

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

August 1, 2007

NAME & NUMBER

EAST BOULDIN LOFTS

OF PROJECT:

SP-2007-0214C

NAME OF APPLICANT

J2 Ventures

OR ORGANIZATION:

Contact John Scott Trainer - Phone 342-3244

LOCATION:

1417 South 1st Street

PROJECT FILING DATE:

March 30, 2007

WPDR/ENVIRONMENTAL

Craig Carson, 974-7690

STAFF:

craig.carson@ci.austin.tx.us

WPDR/

Nikki Hoelter, 974-2863

CASE MANAGER:

nikki.hoelter@ci.austin.tx.us

WATERSHED:

East Bouldin Creek (Urban Watershed)

Desired Development Zone

ORDINANCE:

Comprehensive Watershed Ordinance (current Code)

REQUEST:

Variance request is as follows:

1. To construct a driveway, sidewalk, and remove debris

within the CWQZ (LDC Section 25-8-261).

STAFF RECOMMENDATION: Recommended

REASONS FOR

Findings of fact have been met.

RECOMMENDATION:



MEMORANDUM

TO:

David Sullivan, Chairperson

Members of the Planning Commission

FROM:

Craig Carson, Senior Environmental Reviewer

Watershed Protection and Development Review Department

DATE:

August 1, 2007

SUBJECT: East Bouldin Lofts (SP-2007-0214C) 1417 South 1st Street

Variance Request: Variance from LDC 25-8-261 Development in the Critical Water Quality Zone (CWQZ).

The applicant is proposing a mixed-use project consisting of the construction of a three story commercial (approximately 6,000 square feet) and residential (approximately 24,000 square feet) condominium unit building and associated parking. The applicant is requesting a variance to construct a secondary driveway access and associated sidewalk within the CWQZ.

Description of Project Area

This 0.99 acre site (gross site area) is situated in Travis County, in the COA full-purpose jurisdiction. The site is in the Desired Development Zone and located within the East Bouldin Creek Watershed, which is also classified as an Urban Watershed. The 100 Year Flood Plain and CWQZ of East Bouldin Creek located within this site. The site's east boundary is the centerline of East Bouldin Creek. There is a gentle slope (approximately 2%) from South First Street towards East Bouldin Creek. The subject tract is made up of three lots that will be tied together with a Restrictive Covenant.

Existing development on this site consists of a single story old abandoned block commercial building, two abandoned houses, and their associated parking. An existing gravel driveway with curb cuts is located where the requested secondary driveway is proposed. This gravel driveway was used for access to the abandoned buildings. The secondary driveway is proposed to be wider than the existing gravel driveway to meet COA standards. Austin Energy requested that the secondary driveway access Elizabeth Street because of constraints placed on transformer pad locations. In addition, the proposed secondary driveway and sidewalk will increase accessibility for both Austin Energy and the Austin Fire Department, and both Departments support this variance request. In addition to better

accessibility, the secondary driveway will help alleviate potential traffic concerns expressed by the Bouldin Creek Neighborhood Association (BCNA). The BCNA also supports this variance request.

The site has two zoning classifications on it. Lots 12 and 13 are zoned CS-MU-CO-NP and together have a gross site area of 18,413 square feet, with 9,036 square feet of existing impervious cover. After demolition and construction of the proposed project, Lots 12 and 13 would have 17,234 square feet of impervious cover. Lot 14, which is adjacent to East Bouldin Creek is zoned CS1-MU-CO-NP and has a gross site area of 24,841 square feet, with 1,525 square feet of existing impervious cover. After demolition and construction of the proposed project, Lot 14 would have 9,459 square feet of impervious cover. The entire site (all three lots) has a gross site area of 43,254 square feet, with a total of 10,561 square feet of existing impervious cover. Built out as proposed, the new development would have a total of 26,693 square feet of impervious cover.

Vegetation

Site vegetation composition indicates severe historical disturbance. The dominant herbaceous species include sporadic patches of Bermudagrass, Prickly Lettuce, Sow Thistle, Dandelion, Hop Clover, Bedstraw, and Johnson Grass. Shrub and vine dominance includes various species of Ragweed, Greenbriar, juvenile Hackberry, and Grapevine. Canopy cover is comprised of Texas Live Oak, Pecan, Hackberry, American Elm, Cedar Elm, Chinaberry, and Chinese Privet.

Critical Environmental Features/Endangered Species

Staff has verified that there are no critical environmental features within or immediately adjacent to the site.

Water/Wastewater

The site is currently developed with existing water and wastewater connections. However, these are inadequate for the proposed building. The project's building will be sprinkled, and therefore a 6 inch x 2 inch Fire Demand and Domestic Water meter is proposed. The site's irrigation system will be serviced by utilizing the two existing 5/8 inch water meters along South 1st Street. Connection to the City's wastewater main will require a manhole. A new manhole is proposed in Elizabeth Street to tie into the existing 8 inch wastewater line in West Elizabeth.

Variance Requests

The variances being requested by this project are as follows:

1. Variance from City Code Section 25-8-261-Developement within the CWQZ

A variance is required to construct the secondary driveway, its associated sidewalk, cleanup of leftover COA road maintenance debris, hand clearing of invasive plant species, and planting native plants within the CWQZ. Currently 420 S.F. of impervious cover exist in the CWQZ, and after completion of the project there will be 916 S.F. of impervious cover. **Similar Cases**

The following projects had similar construction issues and received recommendations from the Environmental Board that were subsequently approved by the Planning Commission:

<u>Little Walnut Creek Library Parking Lot Expansion (SP-06-0311C)</u> requested a variance from LDC 25-8-261 to allow development of additional parking in a Critical Water Quality Zone. The EV Board recommended approval 7 to 1 on August 16, 2006 with the following conditions:

- 1. Applicant will provide additional water quality treatment for the existing parking lot by utilizing flow spreaders.
- 2. Applicant will implement an IPM program.
- 3. Applicant will provide additional native plantings beyond the Landscape Ordinance requirements.

Recommendations

Staff recommends approval of the variance request because the findings of fact have been met.

Conditions

Staff recommends granting the variance with the following conditions:

- (1) The applicant will restore all disturbed areas within the CWQZ using COA Spec 609S.
- (2) The applicant will follow an Integrated Pest Management Plan.
- (3) The applicant will replace all trees being removed at 39 inches of Class I trees within the site.
- (4) The applicant will clean up and dispose of construction and road maintenance debris left by the COA within the CWQZ.
- (5) The applicant will hand clear invasive species within the CWQZ.
- (6) The applicant will plant additional trees within the CWQZ to enhance creek bank stabilization and to provide better erosion control from runoff.
- (7) The Applicant will implement a plan to regularly clean up trash along East Bouldin Creek.

If you have any questions or need additional information, please feel free to contact me at 974-7690.

Craig Carson, Senior Environmental Reviewer Watershed Protection and Development Review

Environmental Program Coordinator:

Ingrid McDonald

Environmental Officers

Patrick Murphy



Watershed Protection and Development Review Department Staff Recommendations Concerning Required Findings Water Quality Variances

Application Name:

East Bouldin Lofts

Application Case No:

SP-2007-0214C

Code Reference:

Land Development Code Section 25-8-261 Critical Water Quality

Zone Development

Variance Request:

To allow construction within the CWQZ of East Bouldin Creek.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. The variance will not be providing a special privilege to the applicant. The site consists of three lots; Lot 12, Lot 13, and Lot 14. The only access to Lot 14 is from Elizabeth Street, which requires access thru the Critical Water Quality Zone (CWQZ). Additionally, Austin Energy is requesting the secondary driveway access in the proposed location. For traffic and safety reasons, the COA Fire Department and the Bouldin Creek Neighborhood Association also support the location of the requested secondary driveway and its associated sidewalk.

2. The variance:

a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The variance is not based on the chosen method of development of the property. Any access to Lot 14 (whether it was associated with this project or not) would require a variance to construct a driveway and associated sidewalk within the CWQZ for access to the property.

b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The applicant's site plan provides the minimum amount of impervious cover in the CWQZ to allow a secondary driveway and its associated sidewalk. Additionally, the applicant has agreed not to use heavy machinery to clean up debris and trash, remove invasive plant species, or plant trees within the CWQZ.

c) Does not create a significant probability of harmful environmental consequences; and

Yes. Although the applicant is requesting the secondary driveway and associated sidewalk within the CWQZ, their proposed plan minimizes the foot print of all impervious cover within the CWQZ. In addition, the applicant has proposed to do hand clearing of invasive species within the CWQZ, conduct a clean-up of materials left within the CWQZ from the City of Austin's past use of Lot 14 as a storage place for road construction materials, plant additional trees within the CWQZ to help further filter runoff and prevent erosion from East Bouldin Creek, and regularly pick up trash along the portion of East Bouldin Creek which runs adjacent to the property.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The proposed development will remove the existing trash, and road maintenance materials that are currently being washed into East Bouldin Creek during rain events. Additionally, the proposed plan will enhance and increase native plants to provide better filtering of runoff. The applicant has also stated that they intend to pick up trash along the portion of East Bouldin Creek that is adjacent to their site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):
 - 1. The above criteria for granting a variance are met;

Yes.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes.

Reviewer Name:

Craig Carson

Reviewer Signature:

Date: July 11, 2007

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

July 05, 2007

City of Austin Planning Commission P.O. Box 1088 Austin, Texas 78767

Attention: Dave Sullivan, Chair - City of Austin Planning Commission

Reference: City of Austin Land Development Code Variance Request

City of Austin Site Development Permit Case No. SP-2007-0214C Driveway Construction through a City of Austin Critical Water Quality Zone

Mixed Use Development Project

1415, 1417 South 1st Street and 500 Elizabeth Street, Austin, Texas

Baer Engineering Project No. 062032-8B.030

Dear Mr. Sullivan:

Baer Engineering and Environmental Consulting, Inc. (Baer Engineering) is formally requesting a variance for the above-referenced project from the following City of Austin (COA) Land Development Code (LDC) requirement:

Section 25-8-261 Critical Water Quality Zone (CWQZ) Development

The proposed project represents the minimum departure necessary from COA requirements to address site access concerns voiced by the COA Fire Department, Austin Energy, and the Bouldin Creek Neighborhood Association (BCNA).

Please consider our supporting discussion in your decision to grant this variance. Please attach requests for further information or project-change recommendations to this letter and return to Mr. W. Ryan Metz, care of Baer Engineering, at 7756 Northcross Drive, Suite 211, Austin, Texas, 78757, with applicable comments.

PROJECT DESCRIPTION

The proposed project site (Site) is being developed as a mixed use project consisting of approximately 6,000 square feet of retail and 24,000 square feet of residential encompassed within a three story building. Construction will include removal of abandoned and decaying structures, as well as removal of debris, litter, and invasive plants.

This project is located in the East Bouldin Watershed, defined as an "urban watershed" by the COA. East Bouldin Creek flows along the eastern edge of the Site. For creeks in urban watersheds, the CWQZ is defined as the 100-year floodplain or a minimum of 50 feet from the centerline. Construction for the proposed project is intended to be outside of the 100-year floodplain and CWQZ of East Bouldin Creek with the exception of a proposed driveway to Elizabeth Street and an adjacent sidewalk. The proposed Elizabeth driveway will be built over an existing gravel driveway and is being expanded to meet COA code compliance requirements. The adjacent sidewalk is required per Subchapter E: Design Standards and Mixed Use. Proposing construction through a CWQZ triggers the requirement for a COA Environmental Assessment (EA). Baer Engineering prepared a COA EA, which is included in

the site development permit application packet. The scope of the proposed development involves few potential adverse environmental impacts. Thus, Baer Engineering inquired about potentially reducing the EA requirements for this project, pursuant to the COA LDC. Mr. Mike Lyday, COA Biologist, visited the Site and found no critical environmental features, including wetlands. Mr. Lyday determined that the EA could be reduced to a review of the vegetation alone, with specific attention to COA protected size trees. A copy of Mr. Lyday's determination is presented as **Attachment A** of this letter.

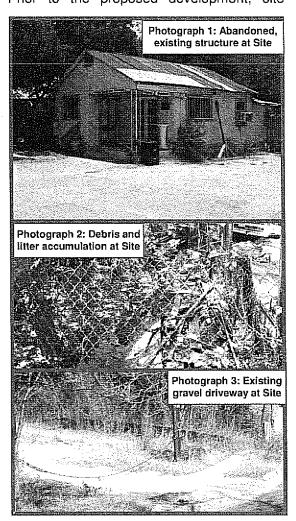
In addition to Mr. Lyday's finding of no critical resources, notable proponents for the secondary driveway, such as the COA Fire Department, Austin Energy, and the BCNA, have expressed interest in including an alternative ingress and egress for the proposed development. Endorsements from the Fire Department, Austin Energy, and the BCNA are presented as **Attachments B, C, and D** of this letter, respectively.

PURPOSE and NEED

Evident in the photographs provided at right, existing conditions at the Site have created negative environmental impacts. Existing structures have become hazardous and are now due for removal. Neglect of the property has lead to litter and debris accumulation, along with high densities of overgrown invasive vegetation. Prior to the proposed development, site

remediation would include removal of existing decaying structures, removal of undesired invasive vegetation, removal of litter and debris, and removal of old construction materials.

Completion of the proposed development would be beneficial to the environment, the local community, and the COA. Development will be restricted to areas immediately adjacent to existing streets, leaving the CWQZ all but Landscaping efforts will include untouched. predominantly native plant species strategically placed in coordination with existing trees and shrubs. This will create a vegetative buffer, or riparian zone, along the CWQZ between the planned development and East Bouldin Creek. This riparian zone will mimic a naturally occurring Central Texas creek-side ecosystem. Not only will a buffer encourage wildlife to inhabit the area, but vegetation in this area will act as a natural filter for storm water runoff, increasing the water quality for the Creek and its inhabitants. Another positive attribute resulting from this planned development will be the COA approved Integrated Pest Management (IMP) plan. This plan will be provided to the property owner(s) and property manager once the development is complete and will be used as a landscape management reference tool. Included in the plan will be recommendations for the removal of undesirable pests, such as invasive plant species and insects, in an environmentally safe manor.

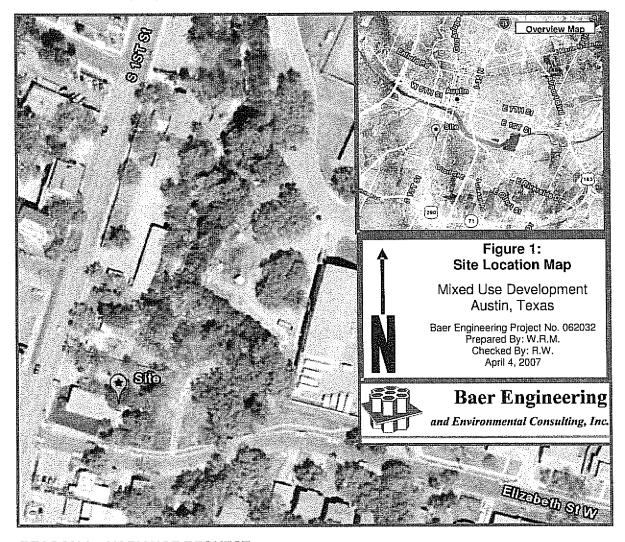


PROJECT LOCATION

Development will encompass three lots: 12, 13, and 14 of Block 1, D.W. Bouldin Subdivision in Austin, Travis County, Texas. Physical addresses are as follows:

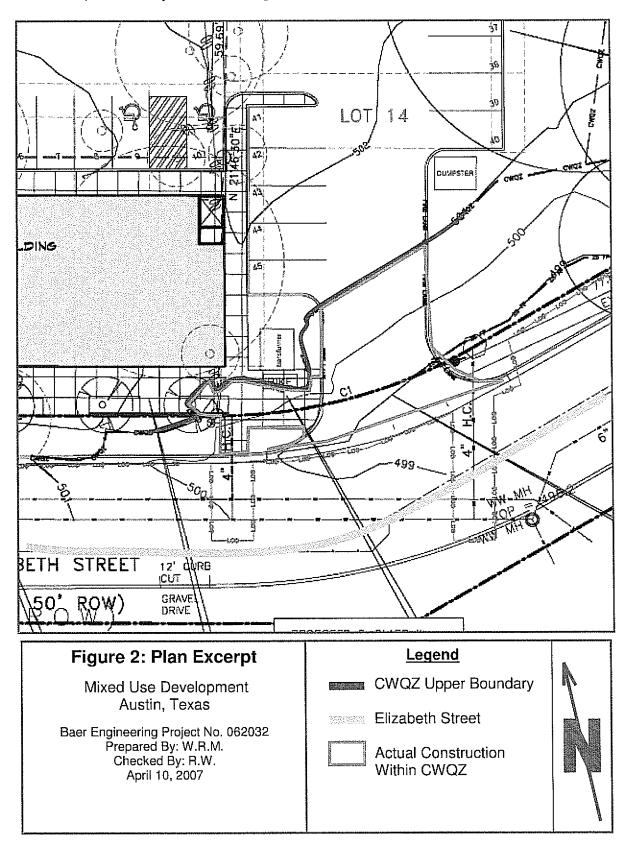
- 500 Elizabeth Street, Austin, Travis County, Texas 78701;
- 1415 South First Street, Austin, Travis County, Texas 78701; and
- 1417 South First Street, Austin, Travis County, Texas 78701.

A Site location map is provided below courtesy of Google Earth Pro™:



REASON for VARIANCE REQUEST

The proposed project is located in Austin, Travis County, Texas, and in the East Bouldin urban watershed. East Bouldin Creek flows along the eastern edge of the Site. Development plans call for a secondary driveway and adjacent sidewalk crossing through the CWQZ, making the Site more accessible. Construction within a COA defined CWQZ requires a variance from COA LDC, Section 25-8-261. The Plan Excerpt (Figure 2) on the following page shows the proposed construction relative to the CWQZ.



Baer Engineering and Environmental Consulting, Inc.

VARIANCE JUSTIFICATION

Implementation of a secondary driveway and the adjacent sidewalk for the proposed project will increase accessibility for the Austin Fire Department and Austin Energy, in addition to alleviating potential traffic concerns expressed by the BCNA. Endorsements prepared by authorized agents from each group supporting these claims are provided as **Attachments B, C, and D** of this letter, respectively.

An existing gravel driveway, historically used for access to dwellings on the property, remains in the location where the secondary access is proposed. This existing driveway was used as a construction entrance and staging area during a COA street and utility project as well. Gravel left within the CWQZ could produce sediment in storm water runoff flowing to East Bouldin Creek. Sedimentation can cause significant adverse impact to creek ecosystems. The proposed development will rid the Site of this problem. **Attachment E** of this letter provides photographic documentation of the aforementioned conditions at the Site.

As mentioned in Mr. Mike Lyday's determination (Attachment A), there are no critical resources within the area where the proposed driveway will be located. Furthermore, no other development will be within the CWQZ and completion of the proposed project will result in a protective vegetative buffer between the CWQZ boundary line and East Bouldin Creek. With the removal of old construction materials and addition of the vegetative buffer, the implementation of the proposed development will enhance the Site and provide protection from the concerns that have resulted in COA LDC CWQZ restrictions. Furthermore, the implementation of a COA approved IPM will ensure that this property does not revert back to the current undesirable condition.

SUMMARY

Based on existing site conditions and supporting documentation, Baer Engineering believes that constructing a minor segment of a secondary access and sidewalk through the CWQZ of East Bouldin Creek would not adversely impact the environment or creek water quality. In fact, these improvements would replace an existing inferior driveway and sidewalk in the same location. Moreover, improvements within the remaining area of the CWQZ would enhance the riparian nature of East Boldin Creek and use of the COA approved IPM would keep this riparian nature in tact. The proposed development would be the minimum departure necessary from COA requirements to provide proper remediation and safe, reasonable access to the Site. We are requesting a variance from the requirements of COA LDC, Section 25-8-261, Critical Water Quality Zone Development. Summaries of justification for determination corresponding to this request follow under *Findings of Fact*.

ANALYSIS of ALTERNATIVES

Alternatives for the proposed development excluding the secondary access were considered and discussed with several parties of interest. Opposition is greater for designs without a second access option than for the proposed plan. In fact, two municipal entities have expressed interest in the additional access.

FINDINGS of FACT

As outlined in Section 25-8-42, the Director may grant a variance based on six primary Findings of Fact. These findings are summarized as follows with an explanation of each as they relate to the proposed project:

I. The variance is not based on a condition caused by the method chosen by the applicant to develop the property.

- YES Austin Energy is requiring the secondary driveway access in the proposed location. Their request has garnered support from several other interested parties including the COA Fire Department and the BCNA. As an added consideration, Lot 14 would require access through the CWQZ if it were to be developed alone. Elizabeth Street is the only right-of-way adjacent to this lot. Lot 14 is not adjacent to 1st Street, and the entire portion of the lot adjacent to Elizabeth Street lies within the CWQZ.
- II. The variance does not provide the applicant with a special privilege not given to owners of other similarly situated property with approximately contemporaneous development.
 - YES This variance would not provide a special privilege to the applicant. Similar projects involving CWQZ variances have been granted in the past. In fact, the COA has previously used the area of the Site where the variance will apply for a similar purpose.
- III. The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.
 - YES This variance will not deprive other property owner privileges and will bolster reasonable use of the property.
- IV. The project does not create a significant probability of harmful environmental consequences.
 - YES The proposed project will reduce the probability of harmful environmental consequences. Current site conditions contribute to the degradation of the environment.
- V. For a variance from the requirements for development within the CWQZ and/or Water Quality Transition Zone, it has been found that the application of code restrictions leaves the property owner without any reasonable economic use of the entire property.
 - YES Based on the cost of the property, restricting access within the CWQZ for this site would result in an unreasonable economic burden on the property owner. The addition of the secondary access and the sidewalk are the minimum departures necessary from the requirement to provide the owner with a reasonable economic use for the property.
- VI. For variances in the Barton Springs Zone (BSZ) in addition to above findings, it has been found that the project demonstrates water quality conditions equal or better than would have resulted if the development proceeded without a variance.
 - N/A Not applicable, as the proposed project is not located within the BSZ.

VARIANCE REQUESTED BY:

W. Ryan Metz

Variance Request Coordinator

Attachments: A - Mr. Mike Lyday's Determination

B – Driveway Endorsement from the City of Austin Fire Department

C - Driveway Endorsement from Austin Energy

D – Driveway Endorsement from the Bouldin Creek Neighborhood Association E – Photographic Documentation of Current Site Conditions for Proposed Access

Cc: Mr. Craig Carson – City of Austin, Watershed Protection & Development Review Dept.

ATTACHMENT A Mr. Mike Lyday's Determination

(E-mail prepared by Mike Lyday, COA Biologist, discussing the proposed project)

From: Lyday, Mike (1984) days of the state o

Sent: Thursday, February 22, 2007 4:37 PM

To: Alvelo, Teresa

Cc: Peacock, Ed; Hiers, Scott; Embesi, Michael; rmetz@BaerEng.com

Subject: 1417 South 1st St. CWQZ Variance

Teresa,

Just a note to document my field investigation of the above referenced site. There are no critical environmental features on this tract of land, including the area along East Bouldin Creek. There are no critical resources in the area of the CWQZ that the applicants are requesting a variance for building a driveway off Elizabeth Street. However, two significant natural resources are outside the CWQZ, both protected size live oak trees. The proposed site plan would encroach upon the canopy and root zone of a 48" live oak on the edge of the CWQZ and remove a 28" live oak within the interior of the lot.

Ryan Metz, with Baer Engineering, has been contacted by the applicant to talk to ERM about waiving certain elements of the environmental assessment on this project. He called me today and Scott Hiers and I decided that all the environmental assessment can be waived except the vegetative element, in particular tree identification and recommendations for significant tree protection based on COA's Environmental Criteria Manual and standards promoted by WPDR's arborist, Michael Embesi.

Teresa, thank you for including ERM in your assessment of resources on this project site. Please call me if you have any questions or if I can be of any further assistance.

Mike Lyday

ATTACHMENT C Driveway Endorsement from Austin Energy



City of Austin

Austin's Municipally Owned Electric Utility

St. Elmo Service Center • 44-11-B Meinardus Drive • Austin, Texas 78744 • (512) 505-7512

March 23, 2007

Scott J. Trainer PBS&J 6504 Bridge Point Parkway Austin, Texas 78730

Dear Mr. Trainer:

As stated in the attached general conditions, "7. All transformer pads shall be located from four (4) to six (6) feet from parking areas or private roads." Given the only location for the transformer is the Southeast corner of the building, Austin Energy requests driveway access from Elizabeth Street.

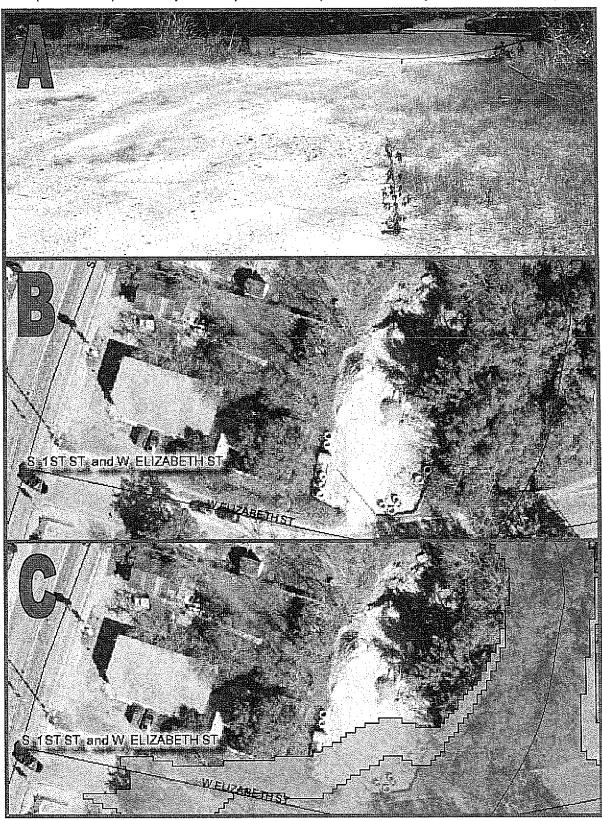
Sincerely,

George M. Martinez, PE Director of Distribution

Austin Energy

ATTACHMENT E

Photographic Documentation of Current Site Conditions for Proposed Access From top to bottom: A: Existing Gravel Driveway; B: 2003 Aerial view of the Site showing existing driveway with construction materials; C: 2003 Aerial view of the Site with the 100-year (also CWQZ) and 500-year floodplains shown (B&C are courtesy of the COA website).



Baer Engineering and Environmental Consulting, Inc.

ATTACHMENT B Driveway Endorsement from the City of Austin Fire Department

Subject:RE: [Fwd: 1417 S First]

Date:Mon, 5 Mar 2007 12:06:51 -0600

From: Wren, Carl (FIRE) When When the anisting to the

To proceed to converse of as

References: 4540 5 A49 90 040 5 Glorensi com

Joan,

As we discussed, the emergency access for this project can be met from the drive way off of South 1st Street and from the curb on Elizabeth. Both drives would be ideal and I prefer that design approach; but I can not require the second drive for emergency access purposes.

Carl D. Wren, P.E. Chief Engineer, Engineering Services Section Austin Fire Department/Prevention Division (512) 974-0191

(512) 974-0162 Facsimile

"Be known as someone who builds bridges, not fences or bombs." from "Fear No Yellow Stickies" by Richard Moran, 1998



ENVIRONMENTAL BOARD MOTION 080107-B1

Date:

August 1, 2007

Subject:

Consent Agenda

Motioned By: Rodney Ahart

Seconded by: Dave Anderson

Recommendation

The Environmental Board recommended the following cases be **approved** by consent, with the listed Staff conditions and no Board conditions:

1. Name: East Bouldin Lofts (SP-2007-0214C)

Applicant: J2 Ventures (John Scott Trainer)

Location: 1417 South 1st Street

Staff Person: Craig Carson, Watershed Protection & Development Review

Request: The variance request is to Land Development Code (LDC) §25-8-261 – To construct a driveway, sidewalk, and remove debris within the Critical Water Quality

Zone.

Recommendation: Recommended

2. Name: Seton Southwest Medical Center (SP-2007-0170C)

Applicant: Gary, Jasing, and Associates, Inc. (Brian Williams)

Location: 17900 FM 1626

Staff Person: Patricia Foran, Watershed Protection & Development Review

Request: The variance request is to LDC §25-8-341 – To allow cuts that exceed the four

foot maximum limits.

Recommendation: Recommended with conditions

Rationale

Staff has recommended the projects and they meet the findings of fact.

Vote 6-0-0-2

For: Anderson, Maxwell, Neely, Beall, Ahart, and Dupnik

Against:

Abstain:

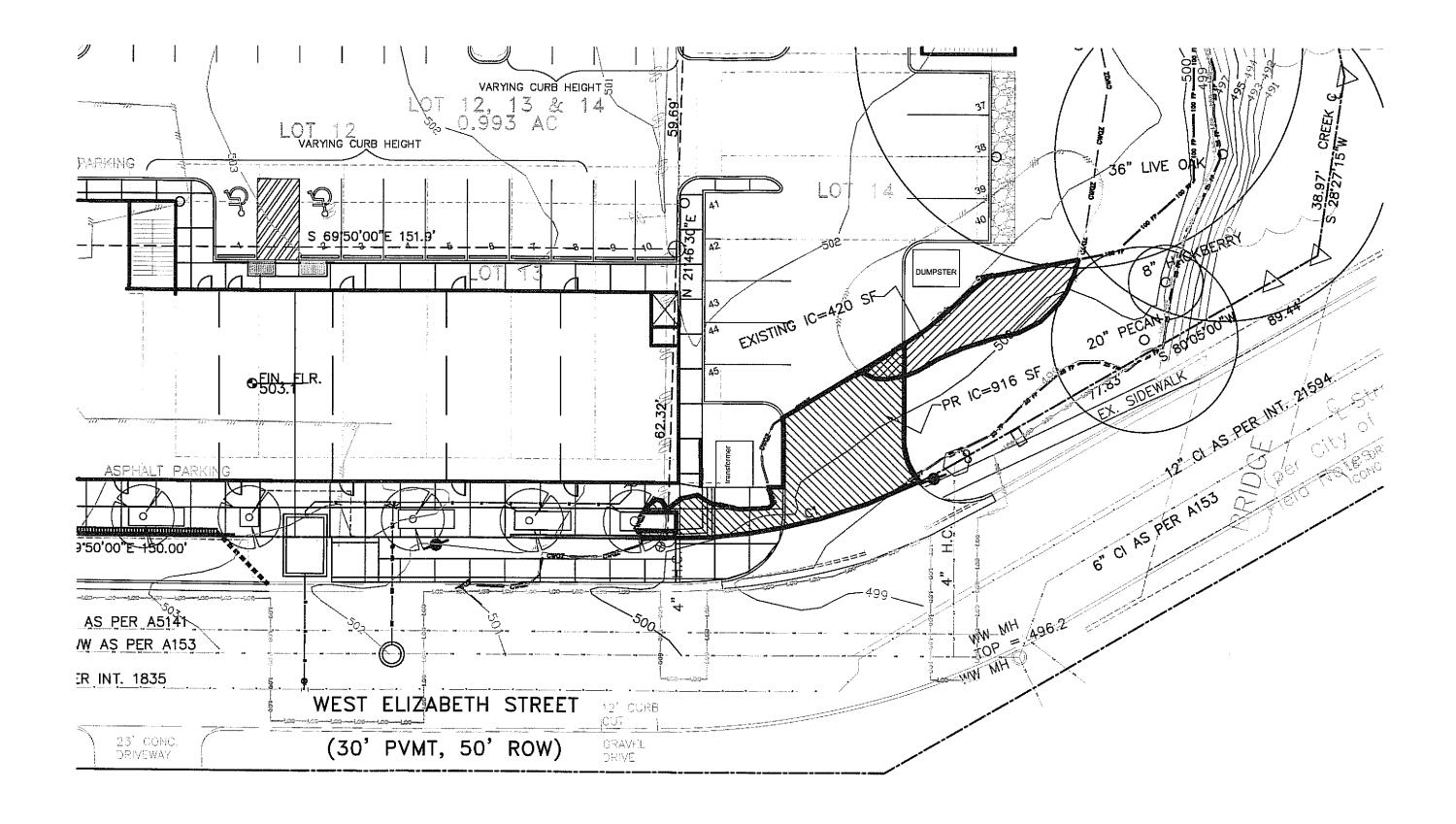
Absent:

Approved By

Curra and Moncada

Dave Anderson P F

Environmental Board Chair





ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

August 1, 2007

NAME & NUMBER

Seton Southwest Medical Center

OF PROJECT:

SP-2007-0170C

NAME OF APPLICANT

OR ORGANIZATION:

Gray • Jansing and Associates, Inc. (Brian Williams - Phone 452-0371)

LOCATION:

7900 Farm-to-Market Road 1826

PROJECT FILING DATE:

March 7, 2007

WPDR/ENVIRONMENTAL Patricia Foran, 974-3427

STAFF:

patricia.foran@ci.austin.tx.us

WPDR/

Donna Cerkan, 974-2733

CASE MANAGER:

donna.cerkan@ci.austin.tx.us

WATERSHED:

Williamson (Barton Springs Zone)

Drinking Water Protection Zone

ORDINANCE:

Comprehensive Watershed Ordinance (current Code)

REQUEST:

Variance request to allow cuts that exceed the four foot

maximum limits (LDC 25-8-341).

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR

Findings of fact have been met.

RECOMMENDATION:



MEMORANDUM

TO:

David Sullivan, Chairperson

Members of the Planning Commission

FROM:

Patricia Foran, Environmental Reviewer

Watershed Protection and Development Review Department

DATE:

June 21, 2007

SUBJECT: Seton Southwest Healthcare Center/SP-2007-0170C

7900 Farm-to-Market Road 1826

Seton Southwest Healthcare Center is seeking a variance recommendation to approve proposed cuts up to 12 feet. Land Development Code (LDC) 25-8-341 limits the scope of allowable cuts on a tract of land up to four feet of depth.

Description of Project Area

The 59.048-acre site is located at 7900 Farm-to-Market Road 1826, at the intersection of Farm-to-Market Road 1826 and U.S. Highway 290 West. It is bounded by U.S. Highway 290 on the north, Farm-to-Market Road 1826 on the east, and residential lots on the south and west. The site is within the Williamson Creek Watershed, which is classified as Barton Springs Zone. The site is in the Drinking Water Protection Zone. It is located over the Edwards Aquifer Contributing Zone. The site is zoned General Office (GO).

The development on this site is being phased. When the project was initiated, the site was located outside of the City's planning jurisdiction, and was therefore not subject to the Save Our Springs (SOS) Ordinance. Phase I was completed through a separate site plan (SP-98-0053D). At the time Phase I was constructed, the applicant voluntarily complied with the SOS Ordinance requirements, including water quality.

The site plan application currently under review is for Phase II of the project, which is composed of approximately 4.5 acres. The applicant is proposing to construct a two-story, 41,122 square foot medical office building, and 222 additional parking spaces, or approximately 9.9 acres of impervious cover, in Phase II. The applicant is seeking a variance to perform cuts up to 12 feet deep.

Hydrogeologic Report

The Phase II portion of this site can be characterized as generally sloping from west to east. Slopes in excess of 15% are found only in the Phase I area.

The soil type of the tract area consists of Speck-Tarrant Association, Brackett soil unit, rolling (BID). Speck-Tarrant Association soils are typically shallow, stony, loamy, and very shallow, stony, loamy, clayey soils overlaying limestone. The Brackett unit soils are typically gently undulating to rolling topography. Broken limestone fragments cover up to 75% of the surface. Underlying the soil is limestone, dolomites, and marls of the Glen Rose Formation.

Vegetation

The vegetation within the project area is composed of wooded areas interspersed with grassy, open areas. It can be classified as Live Oak-Mesquite-Ashe Juniper Parks, which is an area dominated by woody plants most equal or greater than nine feet tall in clusters or as scattered individuals within continuous grasses or forbs.

Vegetation identified within the area include Live oak, Ashe juniper, Black willow, Flameleaf sumac, Twist-leaf yucca, Texas prickly pear, Agave, Texas persimmon, and Agarita.

Critical Environmental Features

An Environmental Assessment provided by the applicant, as well as site visits conducted by Watershed Protection Staff determined that there are no critical environmental features (CEF's) within 150 feet of the proposed LOC.

Water/Wastewater Report

Water and wastewater service will be provided by the City of Austin. Water and wastewater lines for Phase II were constructed during Phase I, except for service extensions for the new medical office and two additional fire hydrants which will be constructed during Phase II.

Variance from Land Development Code LDC 25-8-341

The variance required by this project is to LDC Section 25-8-341 for cuts up to 12 feet deep. The applicant has indicated that the cuts will allow the placement of windows on the west side of the first floor, allowing in sunlight in order to benefit patients being treated at the facility (please refer to attached letter discussing benefits of natural sunlight to patient rehabilitation).

Similar Cases

The following projects located within the Barton Springs Zone had variance requests from LDC 25-8-341 that were approved by the EV Board, and subsequently the Planning Commission or Zoning and Platting Commission.

Pedernales Electric Cooperative-Circle C Drive (SP-06-0066D) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on April 5, 2006 by a vote of 6-0-0-3, with the following conditions:

- 1. Applicant will provide dust control for the caliche parking area, including the submittal of material safety dada information for review by WPDR staff.
- 2. Applicant will utilize the Grow Green guide for landscaping.

- 3. Applicant will provide 50% replacement for all Class I tree 8" or greater that are to be removed during construction.
- 4. Applicant will utilize an IPM plan.
- 5. Applicant will not use coal tar sealants.

HEB Austin #10 (SP-02-0118C) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on August 7, 2002 by a vote of 7-0-0-2, with the following conditions:

- 1. The fill in the back of the building and the cut in the front of the parking area will be structurally contained with concrete/stone retaining walls as appropriate.
- 2. The applicant will retain a professional arborist during the construction of the proposed building and appurtenances to ensure that trees proposed to be saved will survive.
- 3. Tree replacement will be as recommended by staff: All protected trees removed will be replaced at 100% with Class I trees, and all other significant trees removed will be replaced at 20% with Class I or II trees. Trees used as replacements will be of a diverse selection to be approved by staff.
- 4. Replacement tree viability will be ensured by providing for irrigation, and by a 2-year Surety Bond.

Recommendations:

Staff recommends the variance request because the findings of fact have been met.

Staff recommends granting the variance with the following conditions:

- 1. Applicant will utilize only native and drought tolerant plants for landscaping (with the exception of turf).
- 2. Applicant will provide at least 16 Class I trees above what is required by ECM Section 2, Landscape.
- 3. Applicant will stabilize the cuts with retaining walls along the west side of the building.
- 4. Applicant will repair portions of the re-irrigation system and retrofit sprinklers to ensure proper functioning of the system.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.

Patricia Foran, Environmental Review Specialist Senior

Watershed Protection and Development Review Department

Environmental Program Coordinator: Ingrid McDona

Pateria fra

Environmental Officer.



Watershed Protection and Development Review Department Staff Recommendations Concerning Required Findings Water Quality Variances

Application Name:

Seton Southwest Medical Center

Application Case No:

SP-2007-0170C

Code Reference:

LDC 25-8-341

Variance Request:

Perform cuts exceeding the maximum four foot depth

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The variance will not be providing a special privilege to the applicant. Several variance requests for cut/fill within the Barton Springs Zone have been recommended by the EV Board.

2. The variance:

a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes

The applicant is proposing to plant only native and drought tolerant plants as landscaping, and will provide at least 16 Class I trees in addition to what is required by ECM Section 2. In addition, the applicant proposes to repair portions of the re-irrigation system installed during Phase I, and retrofit sprinklers prior to issuance of the certificate of occupancy. The applicant has also stated that the requested amount of cut will allow natural sunlight to shine into the first floor. Finally, the applicant is proposing to stabilize the cut with a retaining wall to further ensure stability.

b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes The applicant is allowed cuts indefinitely under the building foundation. This request is to extend that cut the minimum amount possible outside of the building

footprint in order to allow natural sunlight to penetrate the first floor on the west side of the building. It is significant that the proposed building is conservative in design with respect to height and floor-to-area ratio (FAR). This project is zoned GO, and is therefore allowed a maximum building height of 60 feet and a floor-to-area ratio (FAR) of 1:1. The applicant is proposing a building with a height of 34.5 feet and a FAR of 0.2. This consideration, in combination with the topography of the site and impervious cover limitation demonstrates that this request is a minimum departure from the LDC requirements. Please also refer to the attached letter discussing the benefits of natural light on patient rehabilitation.

- c) Does not create a significant probability of harmful environmental consequences; and
 - Yes The applicant has proposed a retaining wall to structurally support the cut. During construction, erosion and sediment controls will be in place to ensure sediment does not leave this site.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes The water quality of SOS is being met. In addition, the conditions mentioned above will also improve water quality.

It is noteworthy to mention that during the development of Phase I of the medical center, the applicant voluntarily complied with the SOS requirements since the project site was not located within the City's planning jurisdiction at the time and was therefore not subject to the requirements.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):
 - 1. The above criteria for granting a variance are met;

Not applicable.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Not applicable

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable

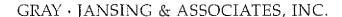
Reviewer Name:

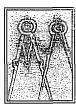
Patricia Foran

Reviewer Signature:

Date: June 29, 2007

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).





May 10, 2007

Re: Seton Southwest Healthcare Center Phase Two

GJA No. 1517-9804

To Whom It May Concern:

The purpose of this letter is to formally request a variance from the City of Austin Land Development Code to provide approval of the Seton Southwest Healthcare Center Phase Two site development plan.

As agent for the application we hereby formally request a variance from the following provisions of the Land Development Code:

Section 25-8-341/342 Cut and Fill which states that except for the construction of a building foundation no cut or fill shall exceed a maximum of four feet.

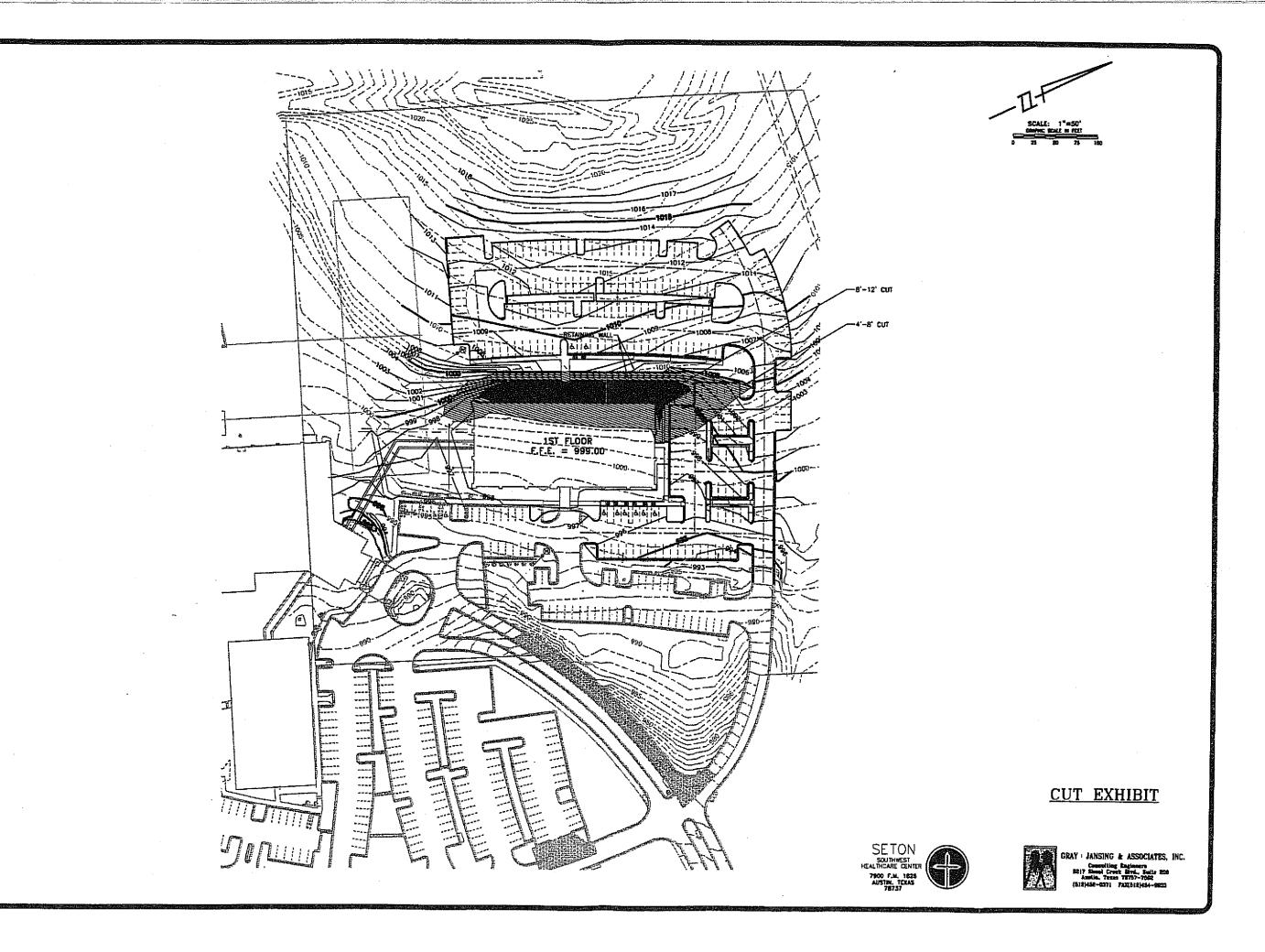
The maximum cut depth will be 12 feet. We are requesting the above referenced variance for the health and well being of the patients using the medical facility. The location of the building places the first floor below an eight foot rock cut. Without a cut of more than four feet very little natural light would be able to penetrate into the first floor rooms on the west side of the building. Representatives from Seton Healthcare Center have advised us that natural sunlight is exceedingly therapeutic when compared to artificial light.

It is our opinion that the requested variance would be beneficial to the rehab patients who will be using the rooms in that area of the building. We appreciate your review and consideration of our request.

Sincerely,

GRAY-JANSING & ASSOCIATES, INC.

Stephen Collins, P.E.



Ms. Patricia Foran City of Austin 505 Barton Springs Rd. 1st Floor Austin, Texas 78704

Re: Seton Southwest Healthcare Center Phase II (SP-2007-0170C)
Considerations of Environmental Review

Dear Ms. Foran,

Thank you for your consideration of the cut variation for the new professional office building at Seton Southwest Hospital. We continuously strive to offer a holistic, patient centered approach to patient care. We have learned that natural light and visible green space have a significant positive impact on patients undergoing physical rehabilitation. Therefore, our physicians and therapists feel that any state of the art rehab facility should include green space and natural light on the lower level of the west side of the professional office building.

Seton Southwest is a community hospital committed to the total wellness of our patients. We incorporate non-traditional methods, such as Pilates, to provide leading edge rehabilitation services. We have been nationally recognized for our innovative approach to caring for our community. We have been recognized by Ascension, Seton's parent organization, and the National Institute for Healthcare Improvement (IHI). Seton Southwest has an outstanding record for infant safety during delivery, and has earned the Texas Department of State Health Services' Five-Star Award, the agency's highest honor for hospital birthing centers. We also have an impressive record of safety in our Operating Rooms, and the Transforming Care at the Bedside work we are doing in our Medical/Surgical Department is helping us take patient care to a new level. In addition, we have had outstanding reviews by our accreditation organization, the Joint Commission for the Accreditation of Healthcare Organizations (JCAHO), and most recently Seton Southwest was awarded the Nurse Friendly Hospital designation by the Texas Nursing Association, an award for excellence in Nursing Care.

I mention the above to reinforce that we are so very committed to serving our community with the best care possible. Our internal environment is critical to this. We feel our external environment is critical to this also. As such, we have been respectful of the privilege to be located on the environmentally sensitive Edward's Aquifer. We have supported the SOS ordinance, and have complied with its requirements in the design of the hospital and intend to comply on all future expansion plans. We feel that adding the

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lower level green space on the western side of the building will have a positive impact on our external environment and adding natural light to the lower level will have a most significant positive impact on Patient care. Thank you for your consideration.

Respectfully,

Thay Falia Mary Faria, PhD, FACHE

VP/COO/Administrator, Seton Southwest Hospital

GRAY · JANSING & ASSOCIATES, INC.



June 29, 2007

Ms. Patricia Forau City of Austin 505 Barton Springs Rd. 1st Floor Austin, Texas 78704

Re: Seton Southwest Healthcare Center Phase II (SP-2007-0170C)

Considerations of Environmental Review

GJA Job No. 1517-9804-63

Dear Ms. Foran:

Please consider the following explanation of the environmentally-conscious aspects of the Seton Southwest Healthcare Center Phase Two, and the beneficial nature of the cut variance in question, when deciding to recommend the cut variance to the Environmental Review Board.

The development at Seton is situated in such a way as to preserve the utmost amount of naturally-existing trees as possible. In fact, the site plan contains an extra 345 street yard trees when existing trees over 6 inches in diameter are given double credit. This allows for many benefits to the environment as well as providing an aesthetically pleasing site. The landscaping plans for the proposed medical office building will incorporate species of native shrubs and plants into the design. The native plants will reduce the amount of landscape irrigation needed for the site.

When the original site plan, which include all three phases, was approved in 1998, the property was not in the city limits and therefore not subject to the Save Our Spring (SOS) requirements. However, in an admirable show of concern for the sensitive Barton Springs Watershed, Seton agreed to develop under the SOS guidelines voluntarily. One of the aspects of the development included the design and construction of retention/re-irrigation water quality facilities that removed pollutants from the capture volume runoff with a 100 percent pollutant removal efficiency utilizing five acres of native grasses and trees. Seton has agreed to repair portions of the re-irrigation system and to retrofit sprinklers with concrete pads prior to the city issuing the certificate of occupancy to insure the re-irrigation system is functioning properly. Although the site has since been annexed into the City of Austin and become subject to city regulations, the fact that the site voluntarily developed under the SOS guidelines should not be overlooked.

Ms. Patricia Foran June 29, 2007 Page 2 of 2

The cut in question consists of an area on the western side of the building where a portion of the ground will have to be cut in order to construct the foundation of the building. Cuts greater than four feet are allowed under City of Austin City and Land Code 25-8-341 A (3) for construction of a building foundation. This specific situation requires a cut variance because it is proposed to not fill the western portion of the building back to preexisting ground level. Instead, the plan is to slightly widen the area already being cut for construction of the foundation, and use retaining walls to keep the soil back from the building, allowing sunlight to shine into the first floor of the western side of the building. Allowing sunlight in through the windows is advantageous in several ways. One, it reduces the amount of artificial light needed in the medical offices on the first floor, therefore reducing the amount of energy needed for lighting. Second, and most importantly, the natural sunlight is very beneficial to the patients being treated in the offices in question, Representatives from Seton Healthcare Center have advised us that natural sunlight is exceedingly therapeutic when compared to artificial light. The rehab patients using the offices on the first floor would benefit from having sunlight shining though the windows.

After reviewing the current and historic environmentally friendly aspects of the site plan for Seton Southwest Healthcare Center and the positive nature of the cut variance being requested, please consider a positive recommendation of the cut variance to the Environmental Review Board.

Thanks for your consideration of this matter and please contact me with any questions or comments regarding this request.

Sincerely,

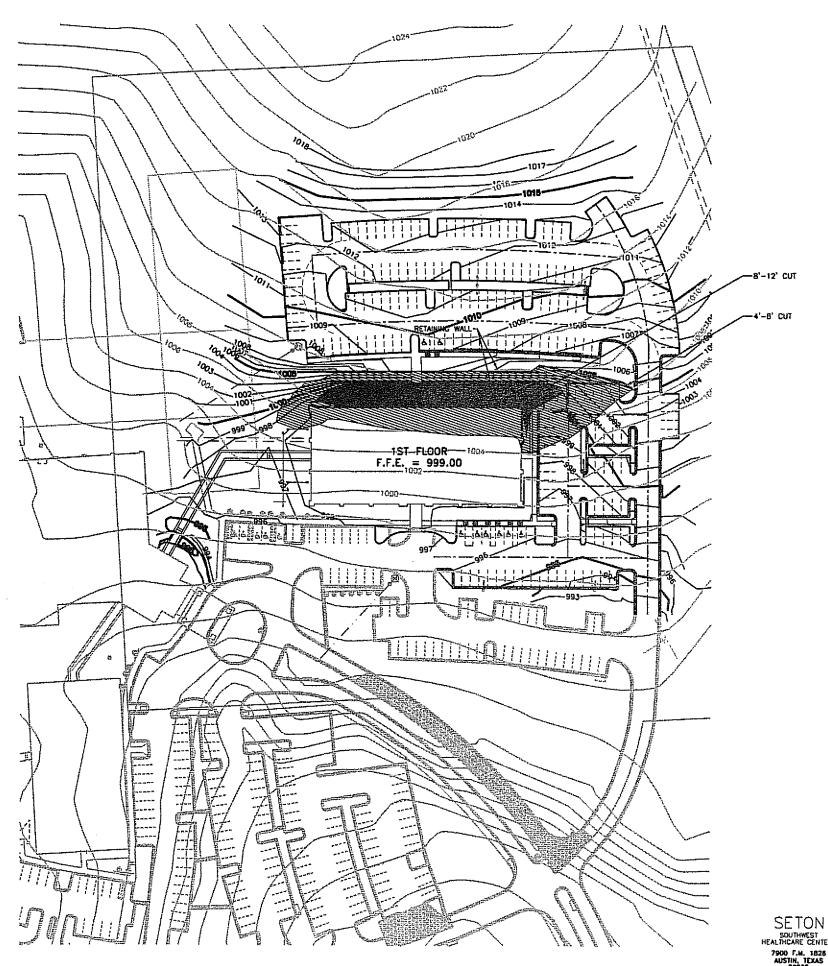
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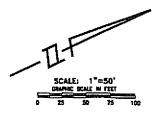
Stephen K. Collins, P.E.

Director of Quality Control

BAW:SKC:J

cc: Brian Williams, EIT: GJA





CUT EXHIBIT





GRAY + JANSING & ASSOCIATES, INC.
Conceiling Engineers
8217 Shoel Creak Bivd., Saite 200
Audia, Texas 18737-7502
[ASPIAN-PAYER BANGANISTAL-0023



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

August 1, 2007

NAME & NUMBER

Lakeline Station Area Plan/PUD

OF PROJECT:

C814-06-0218

NAME OF APPLICANT

OR ORGANIZATION:

Armbrust & Brown

(David Armbrust - Phone 435-2301)

LOCATION:

N. Farm-to-Market Road 620

PROJECT FILING DATE:

November 17, 2006

WPDR/ENVIRONMENTAL

Patricia Foran, 974-3427

STAFF:

patricia.foran@ci.austin.tx.us

WPDR/

Wendy Walsh, 974-7719

CASE MANAGER:

Wendy.Walsh@ci.austin.tx.us

WATERSHED:

South Brushy Creek and Lake Creek Watersheds

(Suburban)

Desired Development Zone

ORDINANCE:

Comprehensive Watershed Ordinance (current Code)

REQUEST:

Applicant is requesting PUD zoning for the property.

STAFF RECOMMENDATION: Not recommended.



MEMORANDUM

TO: David

David Sullivan, Chairperson

Members of the Planning Commission

FROM:

Patricia Foran, Environmental Review Specialist Senior

Watershed Protection and Development Review Department

DATE:

July 11, 2007

SUBJECT:

Lakeline Station Area Plan/PUD/C814-06-0218

N. Farm-to-Market Road 620

The applicant is proposing a zoning change from Interim – Rural Residence (I-RR) to Planned Unit Development (PUD) for 326.9 acres of land.

The PUD proposal consists of a high density mixed use development with five types of "development districts": Transit-oriented Development Mixed Use, Attached/Cluster Residential Mixed Use, Single Family Residential Mixed Use, Civic, and Parks/Open Space/Detention. In total, impervious cover is proposed at 62% net site area, which is approximately 196.5 acres of impervious cover. The applicant is allowed approximately 160.5 acres of impervious per Land Development Code Section 25-8-394.

The applicant is requesting six exceptions to environmental regulations. Please note that one of these exceptions (to LDC 25-8-64) is based on a staff condition.

Description of Property

The proposed PUD is situated in the South Brushy and Lake Creek Watersheds, both of which are classified as Suburban. The tract lies in the Desired Development Zone and is located over the northern portion of the Edwards Aquifer Recharge Zone. Critical Water Quality Zone (CWQZ), Water Quality Transition Zone (WQTZ), and critical environmental features (CEFs) occur within the property lines.

The existing site consists of former ranchland and residential structures associated with the ranch. Much of the terrain appears to have disturbed by clearing and rock removal activities associated with ranching activities. The site is bounded by Southern Pacific Railroad tracks on the west, residential development on the north, a stadium and

residential development on the east, and commercial property to the south. This site is located in very close proximity to Capital Metro's Northwest Park and Ride station. Access to the property is via an existing private drive off Rutledge Spur. An extension to Lakeline Boulevard is currently under construction; this extension will provide access to the site as well.

Existing Topography/Soil Characteristics/Vegetation

Site topography ranges from approximately 930 to 870 feet above mean sea level. The site is relatively flat with gentle sloping to the north and southeast. The southern portion of the site drains towards the southeast to Davis Spring and the northern portion of the site drains towards to north to two unnamed tributaries of South Brushy Creek. There is no 100-year floodplain within this site. There is a CWQZ and WQTZ associated with the intermittent tributary located in the northwest corner.

The surface layer of the property is composed of Edwards Limestone. The Edwards consists of massive to thin bedded limestones and dolostones. This geological unit is characterized by honeycomb textures, collapsed breccias, and cavern systems. The site is located within the recharge zone on the Edwards Aquifer, with the exception of a small portion in the northwestern corner of the property. The Edwards Limestone Unit is generally covered by relatively thick soil and heavy grass cover. Several geologic and wetland critical environmental features were located on the site (please see description below).

The underlying soils on this site vary. The soils are primarily Georgetown stony clay loam, with a large central portion of the site is underlain by Eckrant extremely stony clay. Other small areas are underlain by Crawford clay, Doss silty clay, and Eckrant-Rock outcrop complex.

The vegetation found on the property is primarily native grasses and trees. Typical vegetation in this area includes Live oak, Ashe juniper, Cedar elm, Texas pricklypear, Little bluestem, and Texas grama.

Critical Environmental Features/Endangered Species

This project contains habitat suitable for endangered species including the Black-capped vireo and Golden-cheeked warbler.

There are several CEFs located on site or within 150' of the site.

Two wetland CEFs have been identified on this site. A large wetland feature (200' X 400') is located along the eastern property line in the southernmost, beak-shaped, part of the tract. The area is impounded by an off-site dam to the east. The standard 150' setback is required around this CEF; however, mitigation can be considered since the wetland is man-made. The normal mitigation ratio is 1:1 for both wetland and setback area.

A wetland is associated with another pond in the northeast corner. Either a modified setback of 50' from the pond's edge and 50' from the centerline of the two draws that feed it or the standard 150' setback around the ponded wetland is required.

Two geologic CEFs have also been identified as requiring protection. A collapsed sinkhole approximately 91'x29'x1-2' was identified. A buffer zone of 150' is required. A 15x12.5'x2.3' sinkhole was identified in the drainageway above a stocktank. A buffer of 300' upslope, 150'south, and 50' north is required.

Water/Wastewater

The applicant proposes to utilize City of Austin water and wastewater services.

Environmental Exception Requests

The environmental exceptions requested for this project are to LDC Sections.

1. Exception from LDC 25-2-1006(C) (Visual Screening)

"The Environmental Criteria Manual shall prescribe standards for screening in accordance with this subsection.

- (1) For a townhouse, condominium, multiple family, group, or mobile home residential use, screening is required at a property line that adjoins a residential district in which the use is not a permitted use.
- (2) For a commercial or industrial use, screening is required at a property line that adjoins a residential district.
- (3) For a civic use, screening is required at a property line that adjoins a more restrictive district in which the use is not permitted."

The applicant is requesting to remove this requirement.

2. Exception from LDC 25-8-64 (Impervious Cover Assumptions)

- "(A) This section applies to impervious cover calculations for duplex or single-family lots.
 - (B) Except as provided in Subsection (C):
 - (1) for each lot greater than three acres in size, 10,000 square feet of impervious cover is assumed:
 - (2) for each lot greater than one acre and not more than three acres in size, 7,000 square feet of impervious cover is assumed;

- (3) for each lot greater than 15,000 square feet and not more than one acre in size, 5,000 square feet of impervious cover is assumed;
- (4) for each lot greater than 10,000 square feet and not more than 15,000 square feet in size, 3,500 square feet of impervious cover is assumed; and
- (5) for each lot not more than 10,000 square feet in size, 2,500 square feet of impervious cover is assumed.
- (C) For a lot that is restricted to a lesser amount of impervious cover than prescribed by this section, the lesser amount of impervious cover is assumed. The manner in which the lot is restricted is subject to the approval of the director.
- (D) Except as provided in Subsection (C), this section does not restrict impervious cover on an individual lot."

Based on staff request, the applicant is eliminating the impervious cover assumption for single family and duplex lots. Staff has determined that the assumption will likely underestimate the actual impervious cover proposed on each single family lot.

Instead, the applicant has been requested to use the maximum allowable impervious cover for the Single Family Residential Mixed Use Development multiplied by the lot size in order to calculate the amount of impervious cover per lot. This will result in a more accurate representation of the actual impervious cover.

3. Exception from LDC 25-8-322(B) (Clearing for a Roadway)

"Roadway clearing width may not exceed:

- (1) twice the roadway surface width, or the width of the dedicated right-of-way, whichever is less; or
- (2) for road construction problem areas of less than 300 feet in length, two and one-half times the roadway width."

The applicant is requesting a modification to allow clearing for a roadway up to twice the width of the right-of-way width.

4. Exception from LDC 25-8-341 (Cut Requirements)

"Cut on a tract of land may not exceed 4' of depth."

The applicant is requesting a modification to allow cuts up to 20' for areas associated with the detention/water quality facilities (this would otherwise be an administrative variance); cuts up to 10' in multi-family/commercial areas; and cuts up to 6' in residential areas.

5. Exception from LDC 25-8-342 (Fill Requirements)

"Fill on a tract of land may not exceed 4' of depth."

The applicant is requesting a modification to allow fill up to 20' for areas associated with the detention/water quality facilities (this would otherwise be an administrative variance); fill up to 10' in multi-family/commercial areas; and fill up to 6' in residential areas.

6. Exception from LDC 25-8-394(B) (Uplands Zone)

"This subsection applies in the extraterritorial jurisdiction and in the portions of the Lake, Rattan, and Brushy Creek watersheds that are in the zoning jurisdiction.

- (1) Impervious cover for a single-family residential use with a minimum lot size of 5,750 square feet may not exceed:
 - (a) 45 percent; or
 - (b) if development intensity is transferred under Section 25-8-395 (Transfer Of Development Intensity), 50 percent.
- (2) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:
 - (a) 55 percent; or
 - (b) if development intensity is transferred under Section 25-8-395 (Transfer Of Development Intensity), 60 percent.
- (3) Impervious cover for a multifamily residential use may not exceed:
 - (a) 60 percent; or
 - (b) if development intensity is transferred under Section 25-8-395 (Transfer Of Development Intensity), 65 percent.
- (4) Impervious cover for a commercial use may not exceed:
 - (a) 65 percent; or
 - (b) if development intensity is transferred under Section 25-8-395 (Transfer Of Development Intensity), 70 percent."

The applicant is requesting a modification to allow an overall impervious cover up to 62% net site area in the Uplands Zone.

Other Exception Requests

The exceptions requested by this project that are not directly environmentally-related are to LDC Sections:

1. Exception from LDC 25-2-411(H)(3) (Planned Unit Development District Regulations)

The applicant is requesting to remove the requirement which establishes a maximum floor-to-area ratio for multifamily development.

2. Exception from LDC 25-2-411(I)(4)(a) (Planned Unit Development District Regulations)

The applicant is requesting to remove the requirement for minimum 25 foot front yard and 15 foot street side setbacks.

3. Exception from LDC 25-2-411(I)(5) (Planned Unit Development District Regulations)

The applicant is requesting to remove the requirement to show curb cuts or driveways.

4. Exception from LDC 25-2-766.22(B)(7) (Adoption of Station Area Plan)

The applicant is requesting that this section be modified to require an affordable housing component, not a study to investigate it.

5. Exception from LDC 25-2 Subchapter C, Article 10 (Compatibility Standards)

The applicant is requesting to remove these requirements and replace it with modified requirements.

6. Exception from LDC 25-2 Subchapter E (Design Standards and Mixed Use)

The applicant is requesting to remove these requirements.

7. Exception from LDC 25-4-171 (Access to Lots)

The applicant proposes to modify this requirement such that 1) each lot in a subdivision, exception a lot that fronts on a plaza or green court and abuts an alley, shall abut a dedicated public street and; 2) direct vehicular access from a single-family residential lot to an alley is permitted and preferred. Lots containing multifamily, condominium, mixed use, commercial and civic uses do not require direct vehicular access from a lot to an alley.

8. Exception from LDC 25-4-154 (Street and Drainage Construction)

The applicant is requesting a modification such that street, alleys and pedestrian paths may be designed and constructed in accordance with the Traditional Neighborhood Criteria Manual, the Standards Specifications Criteria Manual or attached Exhibit G, Street Standards and Parking document.

9. Exception from LDC 25-6-171 (Standards for Design and Construction)

The applicant is requesting to delete this requirement.

10. Exception from LDC 25-6-172 (Arterial Streets)

The applicant is requesting to modify this requirement per Exhibit G of the proposed ordinance.

11. Exception from LDC 25-6-173 (Collector Streets)

The applicant is requesting to modify this requirement per Exhibit G of the proposed ordinance.

12. Exception from LDC 25-6-292(A) (Design and Construction Standards)

The applicant is requesting to modify this requirement to add the following language, "...except as modified by zoning."

13. Exception from LDC 25-6-321 (Existing Driveway)

The applicant is requesting to modify this requirement by adding the language, "...except as modified by zoning."

14. Exception from LDC 25-6 Article 7 (Off Street Parking and Loading)

The applicant is requesting to delete this section and replace it with Exhibit G of the proposed ordinance.

15. Exception from LDC 25-6 Article 7 (Off Street Parking and Loading)

The applicant is requesting to delete this section and replace it with Exhibit G of the proposed ordinance.

16. Exception from LDC 25-6 Appendix A (Tables of Off-Street Parking and Loading Requirements)

The applicant is requesting to delete this section and replace it with Exhibit G of the proposed ordinance.

17. Exception from LDC 25-10-154 (Subdivision Identification Sign)

The applicant is requesting to revise this section to define major entrance for the subdivision.

Recommendations

The proposed project is not required to be environmentally superior; however, it is staff's interpretation that the project should be at least equivalent to the environmental requirements of the LDC. The Applicant has indicated that they would provide several environmental enhancements. These enhancements, along with additional ones requested by staff are listed below. Staff would recommend the PUD zoning change with the following conditions:

- Provide enhanced water quality treatment, such as through biofiltration, rainwater harvesting, and/or wet ponds. This will off-set the pollutants generated from the more dense development.
- Achieve a two-star rating in the Green Building program. The applicant will utilize
 Austin Energy staff as a consultant to facilitate and ensure compliance with this
 component for portions of the project inside and outside of the Austin Energy
 service area. This will increase energy and water conservation.
- Achieve 30% open space. This will create a more dense development and off-set the increased impervious cover. *Please note that the applicant has not agreed to this condition*
- Establish maximum lot sizes for the single family lots. This will result in increased residential density while increasing open space.
- Implement an IPM plan. This will reduce the runoff of pollutants from lawn and garden care.
- Implement selected points of the City's water conservation strategies. This will result in increased water conservation.

Please note that based on a conversation with Austin Water Utility staff, the anticipated adoption dates for rules/ordinances for the majority of these strategies is six to nine months, and by August 2007 for the frequency, timing, and method of watering strategy. The selected conservation points are:

Indoor:

- Prohibit inefficient fixtures
- o Establish efficiency requirement for cooling tower management;

Outdoor:

- o Limit frequency, timing, and method of outdoor watering;
- Require new residential irrigation systems to meet design standards and permitting requirements
- o Require homebuilders to offer a "WaterWise" landscape option;
- Require analysis of automatic irrigation systems;
- o Require water audits for high-volume residential customers.

 Protect critical environmental features. This will protect environmental resources that are of critical importance.

Conditions of protection are:

- Providing an IPM plan which addresses nuisance vegetation within CEF buffer zones
- Ensuring that no residential lots may include a CEF or be located within 50 feet of a CEF
- o Ensuring that no residential lots will be located within a CEF buffer zone
- o Ensuring that no disturbance of native vegetation occurs within the buffer zone
- Ensuring that no construction or placement of structures including buildings, sheds, pools, landscaping or gardens is allowed within a CEF buffer zone.
- Ensuring that no stormwater disposal or irrigation is allowed within the CEF buffer zone.
- Requiring erosion and sedimentation controls to be installed at the perimeter of all CEF buffers prior to the initiation of construction
- Requiring CEF buffers adjacent to drainageways to be platted separately and not within drainage or utility easements.
- Ensuring that no utilities are allowed within CEF buffers
- o Providing fencing at least six feet in height at the edge of all CEF buffer zones. Each buffer must have a fence with an access gate with a lockable latch. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
- Ensuring that water quality BMPs do not drain to CEF buffer zones but instead drain to areas where overland sheet flow may be maintained. Requiring level spreaders or similar structures for any discharges near CEF buffer zones
- O Providing an Operation and Maintenance plan for the long term management of all CEF buffers which address items including trash removal, pet waste pickup, and inspections. This plan should also specify a long term funding mechanism and the responsible management entities throughout the construction and post-construction phases.
- Entering into a restrictive covenant with the City allowing access to the CEF buffer zones by City staff.
- Ensuring that wastewater and stormwater utility lines constructed within 500 feet of wetlands will be provided flow retards or Controlled Low Strength Material (CLSM) as fill around manholes as a means of preventing interception of subsurface groundwater flow away from wetlands, if determined necessary by City staff.
- Use of native and/or naturalized plants for landscaping. This will result in water conservation and the reduction of chemicals used for plant maintenance.
- Provide street trees along roadways. This will reduce the heat island effect associated with increased impervious cover and density.
- Eliminate the impervious cover assumption established by LDC 25-8-64 and use the maximum allowable impervious cover for the Single Family Residential Mixed Use

Development multiplied by the lot size in order to calculate the amount of impervious cover per lot. This will more accurately calculate the amount of actual imperious cover.

The Lakeline Station Area PUD may be scheduled for consideration by the Planning Commission at their August 14, 2007 meeting.

If you need further details, please contact me at 974-3427.

carra for

Patricia Foran, Environmental Review Specialist Sr. Watershed Protection and Development Review

Environmental Program Coordinator:

Ingrid McDonald

Environmental Officer:

Pat/Murphy

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 Congress Avenue, Suite 1300 Austin, Texas 78701-2744 512-435-2300

FACSIMILE 512-435-2360

DAVID B. ARMBRUST (512) 435-2301 darmbrus(@)abaustin.com

July 18, 2007

Mr. Dave Anderson, Chair and Members of Environmental Board City of Austin One Texas Center, 12th Floor 505 Barton Springs Road Austin, TX 78704

Re: Lakeline Station Planned Unit Development (PUD) C814-06-0218 (the

"Application")

Dear Mr. Anderson:

This firm represents and this letter is submitted on behalf of the Applicant in the above referenced Application. The Lakeline Station PUD is approximately 326.798 acres in size and is located near the northwest corner of Parmer Lane and RM 620. The property is zoned I-RR and is currently vacant.

The proposed Lakeline Station PUD will allow for the creation of a mixed-use project that embraces sound urban design planning, density, and interesting architectural components. The Lakeline Station PUD is a transit oriented development (TOD) located adjacent to Capital Metro's Northwest Park and Ride station.

The developer believes that in order to provide a successful TOD, it should be designed to include walkable neighborhoods incorporating components of both mass transportation and different land uses to create a unique sense of place and higher quality of life for the residents of the community. Development of the property surrounding TODs is intrinsically urban and higher density to ensure the TOD's success. We believe the City should encourage high density development around each of the designated TOD sites. Density and ridership are absolutely the keys to making commuter rail a success. Less vehicles on the road will reduce carbon emissions on a regional scale.

The Lakeline Station PUD is unique in that it is one, if not the only designated TOD that is located within a suburban watershed. This creates a situation in which there are conflicting policy directives for the area: increased impervious cover/density to support mass transit vs. environmental concerns due to the watershed requirements. Based on the suburban watershed regulations within the City's code, the proposed approximately 62 percent impervious cover for

Agende Item #4

298722-7 07/18/2007

ARMBRUST & BROWN, L.L.P.

Page 2

the PUD equates to the entire area being developed as a commercial project. We believe that this is consistent with what should occur within a TOD and its surrounding area, in order to reduce the environmental impacts of sprawl.

The Lakeline Station PUD will include the following environmental features which are intended to enhance the quality of the community:

- 1. Provide wet ponds, which provide a more efficient method of removing pollutants compared to what is required by the Watershed Ordinance.
- 2. Water quality volume approximately twenty percent (20%) greater than required by City Code (see attached).
- 3. Capture and isolate rooftop drainage from the commercial areas used for irrigation purposes for park areas.
- 4. Compliance with a two star rating of Austin Energy's Green Building Program.
- Implementation of an Integrated Pest Management Program.
- 6. Inclusion of approximately 68.6 acres of parks open space, including detention areas.
- 7. Required Water Conservation Strategies:

Indoor:

- IN 1: Require all plumbing fixtures to perform at current plumbing code volumes;
- IN 2: Require the use of submeters to bill for water in multi-family properties;
- IN 3: Prohibit inefficient fixtures:
- IN 4: Establish efficiency requirement for cooling tower management;
- IN 5: Establish water consumption limits for car wash facilities and equipment;
- IN 6: Establish efficiency standard for commercial clothes washers;

Outdoor:

- OU 1: Limit frequency, timing, and method of outdoor watering;
- OU 2: Require new residential irrigation systems to meet design standards and permitting requirements;
- OU 5: Require homebuilders to offer a "WaterWise" landscape option;
- OU 6: Require analysis of automatic irrigation systems;
- OU 7: Require water audits for high-volume residential customers.

- 8. Critical Environmental Feature Protection.
 - a. No residential lots will be located within a CEF buffer zone.
 - b. No disturbance of native vegetation within the buffer zone.
 - c. No construction or placement of structures including buildings, sheds, pools, landscaping or gardens is allowed within a CEF buffer zone.
 - d. No stormwater disposal or irrigation is allowed with the CEF buffer zone.
 - e. The IPM shall include the removal of nuisance vegetation from the CEF buffer zones.
 - f. A restrictive covenant will be entered into with the City allowing access to the CEF buffer zones by City staff.

Although not quantified, improved air quality is an additional environmental benefit. A successful TOD removes vehicular traffic from the roadway network and encourages transit, bicycle, and pedestrian traffic. The removal of vehicular traffic directly correlates to improved air quality through the reduction of carbon emissions and noxious gases.

The Lakeline Station PUD includes several minor environmental variances, which are listed as follows:

- 1. Section 25-8-322, Clearing for a Roadway Modify to allow clearing for widths up to twice the Right-of-way width.
- 2. Section 25-8-341, Cut Requirements Modify to allow cuts in accordance with the attached Environmental Feature Exhibit.
- 3. Section 25-8-342, Fill Requirements Modify to allow fills in accordance with the attached Environmental Feature Exhibit.
- Section 25-8-394(B), Uplands Zone Modify impervious cover limitations in the upland zone of the Brushy and Lake Creek Watersheds to match proposed site development standards and attached Environmental Feature Exhibit.

ARMBRUST & BROWN, L.L.P.

Page 4

Based on the benefits provided through this project, including the environmental standards noted above, the Lakeline Station PUD is superior to what could be developed under existing zoning.

Very truly yours,

David B. Armbrust

Enclosure

cc:

Jerry Rusthoven

Patricia Foran

Wendy Walsh

Steve Levenson

Brian Avila

Art Coltrain

Peter Calthorpe

Romi Roy

Syd Xinos

David Miller

Kris Kasper

Lynn Ann Carley

WATER QUALITY ENHANCEMENTS

Increased Capture Volume

The developer has proposed to provide additional stromwater capture volume over and above that currently required by Code. The developer is committed to a minimum capture volume equal to the runoff from the one-year, three-hour event for the purposes of water quality and streambank erosion control. The following is a table comparing the current City of Austin Code requirements with that required by the Lakeline Station PUD.

Impervious Cover	COA Capture Volume (inches)	Required Capture Volume (inches) 1 Increase	
40%	0.70	0.75	7%
50%	0.80	0.92	15%
60%	0.90	1.08	20%
65%	0.95	1.16	22%
70%	1.00	1.24	24%
80%	1.10	1.41	28%
90%	90% 1.20		31%
100%	1.30	1.74	34%

¹ Source: LCRA Nonpoint Source Pollution Control Technical Manual, July 2007

Lakeline Station has proposed an overall impervious cover of approximately 64% and based on the information provided in Exhibit H, the following table presents the treated volume for each development district in comparison to the volume currently required by City of Austin Code. The volumes associated with each development district are shown for comparison purposes as the various ponds on the site will handle portions of several districts. Each volume is presented with 100% of the district draining to the control with the exception of the Parks District. Actual volumes will be calculated as described in ECM, Section 1.6.2

Development District	COA Water Quality Volume (cubic feet)	PUD Water Quality Volume (cubic feet)	Increase
TOD Mixed Use Zone	92,786	118,423	27.6%
Attached / Cluster Residential	331,426	423,399	27.8%
Single Family Residential	549,875	677,929	23.3%
Parks / Open Space / Detention	53,807	53,807	0%
Civic	35,131	40,944	16.5%

Rainwater Harvesting

In an effort to provide additional controls for water quality, the developer has proposed the use of rainwater harvesting for 100% of the commercial use buildings within the TOD District. The system shall be designed to accept the water quality volume within seventy-two (72) hours after the end of the rainfall event and to detain and treat the water quality volume in accordance with the PUD requirements. The collected water may be used to irrigate landscaped or natural areas on the site. Irrigation systems shall be designed in accordance with standard irrigation practices considering such factors as soil type slope, and vegetation.

Exhibit 'I'

ENVIRONMENTAL AND WATER QUALITY REQUIREMENTS

FOR

LAKELINE STATION PUD

AUSTIN, WILLIAMSON COUNTY, TEXAS

Prepared for:

PACIFIC SUMMIT PARTNERS, LLC 111 Congress Avenue, Suite 1950 Austin, Texas 78701

Prepared by:

BURY+PARTNERS, INC. 221 West 6th Street, Suite 600 Austin, Texas 78701

I:\1655\07\Admin\Reports\July 2007\Environmental and Water Quality Requirements\Flysheet.doc\SMT

JULY 2007

INTRODUCTION

The proposed Lakeline Station Planned Unit Development (PUD) is approximately 326.8 acres in size and is located near the northwest corner of Parmer Lane and RM620 within the City of Austin in Williamson County, Texas. The Lakeline Station PUD is a transit oriented development (TOD) located adjacent to Capital Metro's Northwest Park and Ride Station. The proposed PUD land use plan is included in the Appendix of this report as *Exhibit 1*.

The Lakeline Station PUD measures and commitments to environment and water quality enhancements described below will insure that the proposed PUD will be an environmentally superior project to what could be achieved with existing ordinances.

CRITICAL ENVIRONMENTAL FEATURE PROTECTION

The proposed Lakeline Station PUD recognizes the existence of several Critical Environmental Features (CEF's) and will commit to the setbacks recommended by staff as presented in Table 1 and shown in *Exhibits H and H-2* (*Exhibits 2 and 3*). The following are the items that Lakeline Station PUD is committed to provide.

- 1. No residential lots may include a CEF or be located within 50 feet of a CEF.
- 2. Residential lots should not include any portion of a CEF buffer. Setback distance must be 150 feet radius unless stated otherwise in Critical Environmental Feature Summary Table (Table 1).

Feature ID	Feature Type	Buffer Zone	Feature Description
W-1	Wetland	150 ft or 1:1 mitigation	200'x400' man-made wetland along the southern tip of the site.
W-2	Wetland	50 ft from stream centerline	Northwest corner on the unnamed tributary to Brushy Creek
W-3	Wetland	150 ft	Northeast corner pond with extended periods of water retention
S-4 (aka COA 3)	Karst - Collapse Sinkhole	150 ft upslope; 150 ft in all other directions	Shallow, elongated sink hole depression (85'x20'x2' deep)
COA 16	Karst - Sinkhole	300 ft upslope; 75 ft south; 50 ft north	located in drainageway above stocktank (15'x12.5'x2.3' deep), northeast corner

Table 1. Lakeline Station PUD - Critical Environmental Feature Summary Table

- 3. No disturbance of native vegetation is allowed with the buffer zone.
- 4. No construction or placement of structures including buildings, sheds, pools, landscaping or gardens is allowed within a Critical Environmental Feature buffer zone.
- 5. Stormwater disposal or irrigation prohibited within a CEF buffer zone.
- 6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.
- 7. All CEF's and associated CEF buffers must be shown on all plats, preliminary plans, site plans and construction plans. Plat notes shall be included that include restrictions listed in 3 and 4 of this section.
- 8. CEF buffers adjacent to drainageways must be platted separately and not within drainage or utility easements. No utilities are allowed within CEF buffers.
- 9. Integrated Pest Management Plan and or CEF Operation and Maintenance Plan shall include section addressing the removal of nuisance vegetation (poison ivy, etc.) as identified in the plan.
- 10. Acceptable fencing shall be provided at the edge of all CEF buffer zones. The fencing shall be 6 feet high and contain a lockable access gate for each non-continuous buffer. The fencing shall be installed along the buffer edge prior to the initiation of construction.
- 11. Water quality BMP's should not drain to CEF buffer zones but should drain to areas where overland sheet flow may be maintained. Level spreaders or similar structures will be required for any discharges near CEF buffer zones.
- 12. An Operation and Maintenance Plan will be prepared for the long term management of all CEF buffers. Items covered with the Operation and Maintenance Plan will address trash removal, pet waste pickup, nuisance vegetation removal and inspections within the buffers. The acceptance of the Operation and Maintenance Plan shall be done prior to approval of a final plat section containing a CEF.
- 13. A restrictive covenant shall be entered into with the City to grant access to City of Austin staff to all CEF buffers within the Lakeline Station PUD.
- 14. Wastewater and stormwater utility lines constructed within 500 feet of wetlands may require flow retards or Controlled Low Strength Material (CLSM) as fill around manholes as a means of preventing interception of subsurface groundwater flow away from wetlands.

INTEGRATED PEST MANAGEMENT PLAN

An Integrated Pest Management (IPM) Plan shall be prepared in accordance with the Pollution Prevention Measures listed in the Environmental Criteria Manual Section 1.6.9.2.D.

GREEN BUILDER PROGRAM

The Lakeline Station PUD will achieve a two-star rating in Austin Energy's Green Building Program. This will apply to the entire PUD area recognizing that only a portion of the site is located within the Austin Energy service area.

WATER CONSERVATION

On August 24, 2006, the City of Austin Council passed Resolution #20060824-061 that created a taskforce with the goal of drafting a policy document consisting of strategies and implementation plans for reducing peak water use by 1% per year for 10 years. Lakeline Station PUD has recognized this future policy and has committed to implement the following strategies immediately.

- 1. Prohibit inefficient plumbing fixtures
- 2. Establish efficiency requirements for cooling tower management
- 3. Establish efficiency standard for commercial clothes washers
- 4. Limit frequency, timing, and method of outdoor watering
- 5. Require new residential irrigation systems to meet design standards and permitting requirements
- 6. Require homebuilders to offer a "WaterWise" landscape option
- 7. Require analysis of automatic irrigation systems
- 8. Require water audits for high-volume residential customers

The environmental impacts to these strategies are seen in several aspects. First, the reduction in water use helps reduce the energy needed for water treatment and pumping and therefore increasing air quality. The landscaping and irrigation measures will help reduce the amount of runoff and also limit the need for lawn fertilizer / chemicals. Finally, these water conservation strategies will help keep lake levels higher which will help preserve wetland habitats.

WATER QUALITY ENHANCEMENTS

Use of Wet Ponds

Lakeline Station PUD will utilize wet ponds to handle water quality treatment as well as flood control detention. Wet ponds will be used where the drainage area criteria (ECM 1.6.6B) is satisfied.

Increased Capture Volume

The developer has proposed to provide additional stormwater capture volume over and above that currently required by Code. The developer is committed to a minimum capture volume equal to the runoff from the one-year, three-hour event for the purposes of water quality and streambank erosion control. The following is a table comparing the current City of Austin Code requirements with that required by the Lakeline Station PUD.

Impervious Cover	COA Capture Volume (inches)	Required Capture Volume (inches) 1	Increase
40%	0.70	0.75	7%
50%	0.80	0.92	15%
60%	0.90	1.08	20%
62%	0.92	1.11	21%
70%	1.00	1.24	24%
80%	1.10	1.41	28%
90%	1.20	1.57	31%
100%	1.30	1.74	34%

¹ Source: LCRA Nonpoint Source Pollution Control Technical Manual, July 2007

Lakeline Station has proposed an overall impervious cover of approximately 62% and the following table presents the treated volume for each development district in comparison to the volume currently required by City of Austin Code. The volumes associated with each development district are shown for comparison purposes as the various ponds on the site will handle portions of several districts. Each volume is presented with 100% of the district draining to the control with the exception of the Parks District. Actual volumes will be calculated as described in ECM, Section 1.6.2

Development District	COA Water Quality Volume (cubic feet)	PUD Water Quality Volume (cubic feet)	Increase
TOD Mixed Use Zone	92,786	112,287	21.0%
Attached/Cluster Residential	331,426	399,234	20.5%
Single Family Residential	549,875	659,850	20.0%
Parks/Open Space/Detention	53,807	53,807	0%
Civic	35,131	40,944	16.5%

Rainwater Harvesting

In an effort to provide additional controls for water quality, the developer has proposed the use of rainwater harvesting for 100% of the commercial use buildings within the Lakeline Station PUD. The system shall be designed to accept the water quality volume within seventy-two (72) hours after the end of the rainfall event and to detain and treat the water quality volume in accordance with the PUD requirements. The collected water may be used to irrigate landscaped or natural areas on the site. Irrigation systems shall be designed in accordance with standard irrigation practices considering such factors as soil type slope, and vegetation.



ENVIRONMENTAL BOARD MOTION 080107-B2

Date:

August 1, 2007

Subject:

Lake line Station Area Plan/Planned Unit Development (PUD) C814-06-0218

Motioned By: John Dupnik, P. G.

Seconded by: John Beall

Recommendation

The Environmental Board recommends disapproval of a request to create a Planned Unit Development at the Lakeline Station Area Plan/Planned Unit Development (PUD)

Rationale

The Environmental Board commends the applicant for the care taken in developing this Transit Oriented Development (TOD), and for the degree to which environmental issues have been considered. The Board feels that promoting mass transit – particularly rail – is in the long-term best interest of citizens and the environment, and encourages the Applicant to continue to work with Staff until all issues have been resolved.

However, at this time the Applicant appears unable to satisfy all of Staff's recommended conditions, specifically the conditions to achieve the 30% open space to create more density and offset impervious cover. The Board realizes that clustered development around transit is good, but must be balanced with sustainable watershed health, and the amount of impervious cover proposed by the Applicant does not promote a healthy watershed.

Vote

5-1-0-2

For:

Against:

Anderson, Maxwell, Moncada, Neely, Beall and Dupnik.

Abstain:

Ahart

Absent:

Moncada and Curra

Approved ${\cal B}$

Dave Anderson P.E., CFM Environmental Board Chair



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

August 1, 2007

NAME AND NUMBER

OF PROJECT:

Smith Residence Boat Dock & Lift (Revision)

SP-05-1705DS(R1)

NAME OF APPLICANT

OR ORGANIZATION:

Aupperle Company

Bruce Aupperle, P.E. (422-7838)

LOCATION:

8300 Big View Drive

PROJECT FILING DATE:

June 5, 2007

WPDR/ENVIRONMENTAL

STAFF:

Betty Lambright, 974-2696

betty.lambright@ci.austin.tx.us

WPDR/

CASE MANAGER

Betty Lambright, 974-2696

betty.lambright@ci.austin.tx.us

WATERSHED:

Lake Austin (Water Supply Rural)

ORDINANCE:

Comprehensive Watershed Ordinance (Current Code)

REQUESTS:

Variance request to allow construction in the Critical Water

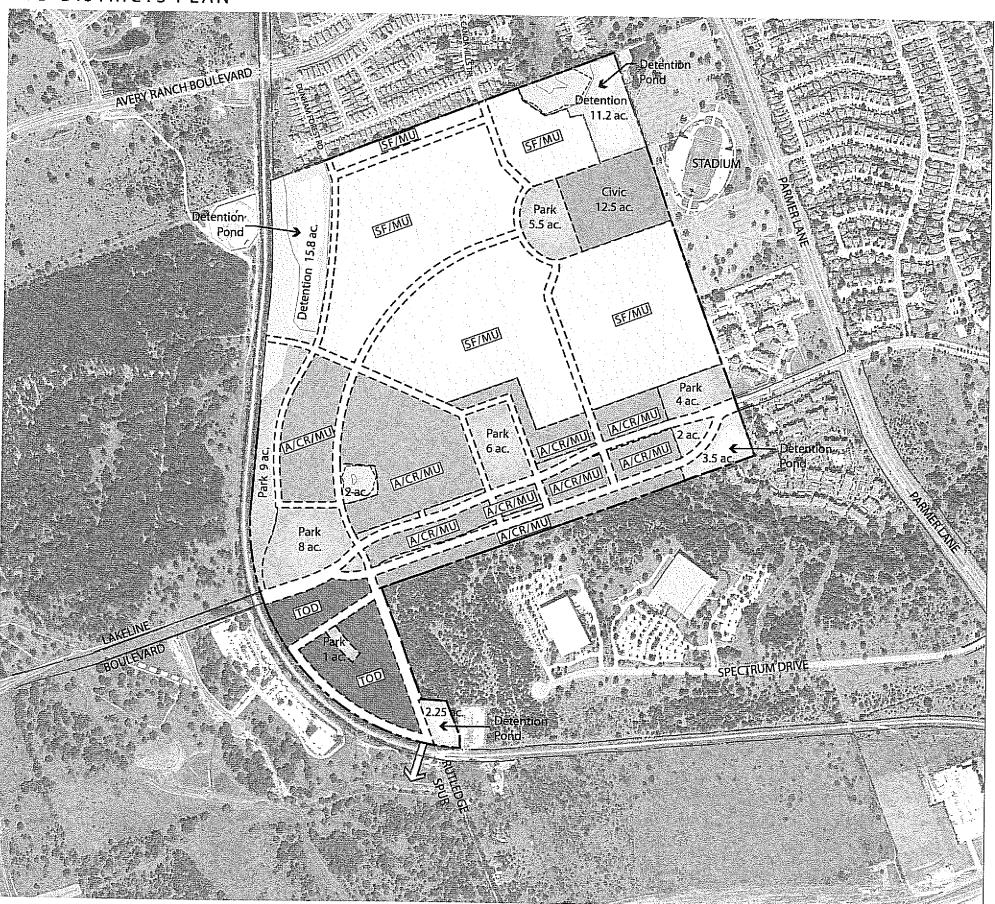
Quality Zone; LDC Sections 25-8-261 and 25-8-452

STAFF

RECOMMENDATION:

Recommended with conditions.

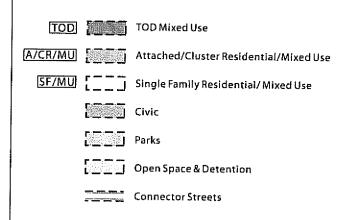
PUD DISTRICTS PLAN



LAKELINE STATION PUD **EXHIBIT C:** LANDUSEPLAN

Austin, Texas July 12, 2007

LEGEND:



LAND USE SUMMARY

Development Districts	Net Site Acres	Lot Area Acres	(Net) Density	Maximum Number of Units	Allowable Impervious Cover (%)
1: TOD Mixed Use 2: Attached/ Cluster Residential/ MU 3: Single Family Residential/ MU 4: Civic	23.4 77.5 140.2 12.3	15.8 58.8 98.1	45.0 20.6 8.7	711 1211 853	78.9 84.9 73.1 48.9
5: Parks, open space, detention	63.5				5.8
Total NET Site Acreage	316.9			2,775	62 %

SLOPE SUMMARY

	Upland Area
Slope	(Acres)
0-15 %	316.86
15-25 %	0.10
25-100 %	0.00

- ${\it 1. See \, Exhibit \, D \, of \, the \, Ordinance \, for \, Site \, Development \, Standards.}$
- 2. See Exhibit F & H of the Ordinance for Code Modifications.

PACIFIC SUMMIT PARTNERS



MEMORANDUM

TO:

Betty Baker, Chairperson

Members of the Zoning and Platting Commission

FROM:

Betty Lambright, Environmental Review Specialist Sr.

Watershed Protection and Development Review Department

DATE:

August 1, 2007

SUBJECT:

Smith Residence Boat Dock & Lift (Revision)/SP-05-1705DS (R1)

8300 Big View Drive

Description of Property

The proposed boat dock and lift is located in the Lake Austin Watershed, which is classified as a Water Supply Rural Watershed. The site is not located over the Edwards Aquifer Recharge Zone. It is within the City of Austin's jurisdiction, and is zoned LA. The project is located on a 1-acre single family lot in River Place Section 16.

The applicant proposes to modify an existing approved site plan by moving the bulkhead and boat dock approximately 8 feet toward the lake from the original position.

Critical Environmental Features/Endangered Species

There are no Critical Environmental Features on or within 150' of the property.

Variance Requests

The project will require variances from Sections 25-8-261 (Critical Water Quality Zone Development) and 25-8-452 (Critical Water Quality Zone; Water Supply Rural Watershed). Section 25-8-452 states that no development is allowed within a Critical

Water Quality Zone of a Water Supply Rural Watershed unless it is allowed under Section 25-8-261. This type of development is not allowed under 25-8-261, so it is necessary to ask for a variance from both code sections.

Recent Variance

The Environmental Board recommended conditional approval of the following project on August 2, 2006 by a vote of 5-2-0-1: Turnquist Boat Dock/SP-06-0056D.

Staff did not support this variance, and had no conditions. The EV Board conditions were to allow up to 4' width of dock for construction of a single family residence boat dock.

Recommendations

Staff recommends the variances for construction in the Critical Water Quality Zone because the findings of fact have been met.

Conditions

The applicant has agreed to follow the directive of the City Arborist for protection of the Critical Root Zone of the adjacent trees.

If you have any questions or need additional information, please feel free to contact me at 974-2696.

Betty Lambright, Environmental Review Specialist Sr.

Watershed Protection and Development Review

Environmental Officer:



Watershed Protection and Development Review Department Staff Recommendations Concerning Required Findings Water Quality Variances

Application Name:

Smith Residence Boat Dock & Lift (Revision)

Application Case No:

SP-05-1705DS (R1)

Code Reference:

LDC 25-8-261 and 25-8-452

Variance Requests:

Construction in the Critical Water Quality Zone

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. There are many similarly situated lakefront properties that have requested and received these variances. In addition, the Parks Board has approved the request to relocate the boat dock further out from the shore.

2. The variance:

 a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The applicant has agreed to roots of the adjacent (non-protected size) trees being given additional protection by gabion matting or other material approved by the City Arborist.

b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. This is the minimum change necessary to allow construction of the boat dock in a suitable location.

c) Does not create a significant probability of harmful environmental consequences;
 and

Yes. The proposed construction associated with these variances will not create a significant probability of harmful environmental consequences.

2. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Water Quality should remain unchanged on the property.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):
 - 1. The above criteria for granting a variance are met;

Yes. The criteria listed above for granting a variance has been met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes. Disapproval of the variances will result in the applicant's inability to enjoy similar variances given to other property owners.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. The variances are the minimum change necessary to allow a reasonable use of lake access.

Reviewer Name: Betty Lambright

Reviewer Signature:

Date:

July 25, 2007'

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



10088 Circleview Drive, Austin, Texas 78733 Phone: 512-422-7838 Fax: 512-263-3763 Email bisonline@email.msn.com

June 5, 2007

Ms. Victoria Hsu, P.E.
Director of Watershed Protection and Development Review
City of Austin
P.O. Box 1088
Austin, Texas 78767

 Re^{α}

Engineer's Summary and Variance Request Letter

Shoreline Modifications for Boat Dock at 8300 Big View Drive

Site Plan Permit with Variances to Art.7, Div. I, Paragraphs 25-8-452 and 25-8-261

Dear Director Hsu:

At the request of Kevin Smith, the owner, please find attached a proposed revision to the referenced approved site plan. The revision proposes 1) an alternate boat dock plan and elevation, two-story instead of one story, 2) to correct the locations of two trees that were missing or shown in error and 3) relocates the boat dock bulkhead and dock lakeside of these shoreline trees, about 8 feet toward the lake from the existing approved location. The proposed location will require fill between the shoreline and bulkhead at a minimum of zero feet and a maximum of eight feet. The Parks & Recreation Board approved moving the boat dock to this location at their March 2007 meeting.

Fegitation Element: A tree survey of the area of the bulkhead has been performed and the tree locations, types and sizes are shown on the site plan. Geologic Element: The site is located in Lake Austin and the soils are predominantly sedimentary. There are no known karsts or other critical environmental features within 150 feet. This site is not known to contain habitat for endangered fauna or flora. Wastewater Element: No wastewater service is proposed for this project.

The project as designed is in substantial compliance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. We are requesting that you approve the variances and bulkhead construction as proposed and issuance a site plan permit. If you have any questions, please feel free to call.

Very truly yours.

Aupperic Company

Kupperle, P.E.



16088 Circleview Drive, Austin, Texas 78733 Phone: 512-422-7858 Fax: \$12-263-3763 Email: hsatchine@email.msn.com

APPENDIX U

Administrative Variances - Findings of Fact

Project: 8300 Big View Drive, Shoreline Modifications for Boat Docks, Case No. Pending

Ordinance Standard: 25-8-261(C) - Critical Water Quality Zone Development

§ 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT...

- (C) Along Lake Travis, Lake Austin, or Town Lake:
- (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone, and

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? YES

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the ones proposed for 8300 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. The Special Circumstances are attributable to City staff. Staff chooses to enforce policies applicable to boat docks which are not available to the public and that prohibit certain aspects of a boat dock, i.e. restoration of an eroded shoreline at the location of the boat dock to assume proper depth of water under the dock and the avoidance of rapid repetitive infill sedimentation under the boat dock. Strict application of staff policies would deprive this property owner of the boat dock as proposed which is allowed under Section 25-8-261 (C).

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 8300 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin.

landward or lake side. As proposed there are no departures from the terms of the current code and no significant probabilities of harmful environmental consequences will occur from the construction of the proposed boat dock.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES

The owner of the property will not enjoy any special privileges not enjoyed by other, similar properties. There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 8300 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? YES

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 8300 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. Therefore, the requirement to require an approved variance to construct a boat dock as proposed in the Critical Water Quality Zone would diminish the land owners' property rights and the property owners' reasonable and economic use of the property.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

NOT APPLICABLE

No variances for this section are proposed within the Barton Springs Zone.

Submitted by:

Aupperie Company

ice S. Aupperie, P.F.



ENVIRONMENTAL BOARD MOTION 080107-B3

Date:

August 1, 2007

Subject:

Smith Residence Boat Dock and Lift (Revision) SP-05-1705DS(R1)

Motioned By: Dave Anderson, P. E.

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommends approval with conditions of a variance request to Land Development Code 25-8-261 and 26-8-452 – To allow construction in the Critical Water Quality Zone.

Staff Conditions

Applicant has agreed to follow the directive of the City Arborist for protection of the Critical Root Zone of the adjacent trees.

Rationale

These trees would not have been saved with the original plan (prior to this proposed revision).

In addition, there is less excavation associated with the revised plan, causing less potential environmental harm.

Vote

6-0-0-2

For:

Anderson, Maxwell, Neely, Beall and Dupnik

Against:

Abstain:

Absent:*Ahart, Moncada and Curra

Approved.

Environmental Board Chair

^{*}Ahart was off the dais for the Smith Residence Boat Dock motion.



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

August 1, 2007

NAME & NUMBER

OF PROJECT:

Beecave Woods, Section III-A

Resubdivision of Lot 16, Block A / C8-06-0203.0A

NAME OF APPLICANT

OR ORGANIZATION:

Armand & Josephine Daigle (Nash Gonzales 658-8896)

LOCATION:

3204 Twinberry Cove

PROJECT FILING DATE:

September 19, 2006

WPDR/ENVIRONMENTAL

STAFF:

Teresa Alvelo, 974-7105

teresa.alvelo@ci.austin.tx.us

WPDR/

Sylvia Limon, 974-2767

CASE MANAGER:

Sylvia.limon@ci.austin.tx.us

WATERSHED:

Eanes Creek (Water Supply Suburban)

Drinking Water Protection Zone

ORDINANCE:

Comprehensive Watershed Ordinance (current Code)

REQUEST:

Variance request is as follows:

1. To exceed maximum allowable impervious cover limit

[LDC Section 25-8-424 (B) (1)].

STAFF RECOMMENDATION: Not recommended.

REASONS FOR

Findings-of-fact have not been met.

RECOMMENDATION:



MEMORANDUM

TO:

David Sullivan, Chairperson

Members of the Planning Commission

FROM:

Teresa Alvelo, Environmental Reviewer

Watershed Protection and Development Review Department

DATE:

August 1, 2007

SUBJECT: Beecave Woods, Section III-A

3204 Twinberry Cove / C8-06-0203.0A

Variance to: LDC 25-8-424 (B) (1), *Uplands Zone*, to exceed the maximum allowable impervious cover of 30% net site area.

The applicant is proposing to subdivide one duplex residential lot into two lots, namely Lot 16-A and Lot 16-B. The lot line is proposed down the middle of the existing duplex building. No new development is proposed with this project. The existing total impervious cover exceeds the maximum allowable impervious cover by approximately 1,045 sf (0.024 acres). The proposal will exceed total allowable impervious cover of Lot 16-A by 435 sf (0.010 acres), and Lot 16-B by 610 sf (0.014 acres).

Description of Project Area

The 0.473-acre (gross site area) site is situated in Travis County, in the COA full-purpose jurisdiction. Net site area for this property is 0.265 acres. Slopes exceeding 15% are prevalent on this lot. The site is in the Drinking Water Protection Zone and in the Eanes Creek watershed, which is classified as Water Supply Suburban. This project also lies over the Edwards Aquifer Recharge Zone. There is no critical water quality zone or water quality transition zone associated with this property. The current and proposed zoning is SF-3.

The Beecave Woods, Section III, subdivision was platted in 1979. Adjacent lot number 12 was granted Chapter 245 status to subdivide in 2001 into Lot nos. 12-A and 12-B. Since then, specifically in 2005, the state legislature changed Chapter 245 laws which

now prohibit the applicant and similarly-situated lots from being granted Chapter 245 status today.

Vegetation

Sparse turf with mixed native grasses along with native live oak trees.

Critical Environmental Features

No critical environmental features (CEF's) are within 150 feet of the proposed project.

Water/Wastewater Report

Water and wastewater service is provided by the City of Austin.

Recommendations:

Staff does not support this variance as findings-of-fact cannot be met.

Similar Cases

No similar cases found.

If you have any questions or need additional information, please contact Teresa Alvelo at 974-7105.

Teresa Alvelo, Environmental Reviewer

Jeresa alvelo

Watershed Protection and Development Review Department

Environmental Program Coordinator:

Ingrid McDonald

Environmental Officer

3



Watershed Protection and Development Review Department Staff Recommendations Concerning Required Findings Water Quality Variances

Application Name:

Beecave Woods Section III-A

Application Case No:

C8-06-0203.0A

Code Reference:

LDC 25-8-424 (B)(1).

Variance Request:

To exceed the total maximum allowable impervious cover limits.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

- 1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly-situated property with approximately contemporaneous development.
 - No The requirement will not deprive the applicant of a privilege or the safety of property given to other similarly-situated property. Adjacent Lots 12-A and 12-B, were granted Chapter 245 status to subdivide in 2001. In 2005, the state legislature changed Chapter 245 laws which now prohibit the applicant from benefiting from Chapter 245 status. This change in state law would also prevent other similarly-situated lots from receiving Chapter 245 status today.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;
 - No The variance is based on a condition caused by the method chosen by the applicant to develop the property. Similarly-situated lots are duplexes on one lot. In addition, currently the lot exceeds total allowable impervious cover by about 1,045 sf, which includes the effects of roadway deduction. Greater overall environmental protection is not being provided with this proposed plan.
- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;
 - No The applicant is not being denied a privilege given to other property owners, as other lots are similarly-situated and subject to current code.
- c) Does not create a significant probability of harmful environmental consequences; and



Yes There is not a significant probability of harmful environmental consequences with the approval of this variance. No new development is proposed with this subdivision.

- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - Yes Water quality will be at least equal to the water quality being achieved without the variance, as no new development is being proposed.
- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):
 - 1. The above criteria for granting a variance are met;

Not applicable.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Not applicable.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable.

Reviewer Name:

Teresa Alvelo

Reviewer Signature: JONNA allule

Date: August 1, 2007

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

805 Las Cimas Parkway, Suite 230 Austin, Texas 78746-5493

TEL 512 441 9493 FAX 512 445 2286

> AUSTIN DALLAS HOUSTON THE WOODLANDS

April 30, 2007

City of Austin Zoning and Platting Commission c/o Watershed Protection and Development Review 505 Barton Springs Road, 4th Floor Austin, TX 78705

Re: Resubdivision of Lot 1 L, Block "A" Beecave Woods Section III - A
C8-06-0203.OA

Dear Commissioners:

On behalf of out client, Jones & Carter is requesting a variance from the impervious cover limits for the above Resubdivision. The Resubdivision consists of a single lot with on existing duplex residence with two driveways. The lot topography slopes across the backyard, which reduces the net site area due to the steepness of the lot. The lot is in the Eanes Creek Watershed, defined as a Waster Supply Suburban – Class I Watershed under the Comprehensive Watershed Ordinance and limited to 30 percent impervious cover for the net site area. Below is the outline of how the Resubdivision meets the requirements for the variance to be approved.

- 2 a) The variance is not based on a condition caused by the method chosen by the applicant to develop the property. The subject lot is part of the Beecave Woods Section III-A Subdivision that was constructed prior to the Comprehensive Watershed Ordinance and the requirements for net site area calculations. Since the steep slopes in the rear yard are the existing conditions on the lot, the present development exceeds the impervious cover limits for the Eanes Watershed. No additional impervious cover is proposed with the project, it is simply dividing one duplex lot into two lots.
- b) The variance is the minimum change necessary to avoid depriving a privilege given to the other property owners because other duplex lots in the subdivision have been able to be divided into two lots. The excess impervious cover results from the reduction in net site area by the steep slopes in the rear yard of the lot. Other lots in the subdivision (Lot 12), which comprise similar duplexes on flatter lots, were able to be resubdivided with similar impervious cover.
- c) The variance does not create a significant probability of harmful environmental consequences because no additional development or impervious cover will result from the subdivision of the duplex lot. The subdivision will only change the legal status of the property by making it two lots instead of one.
- d) As stated previously, no development is proposed with this subdivision, it is simply dividing and existing lot with a duplex dwelling into two lots. Therefore, no changes in water quality will result from approval of the variance.

Smart Engineering. Smart Solutions."

www.junescarter.com

Zorling and Platting Commissions April 30, 2007

Page 2

We appreciate your consideration of this case and look forward to your granting of the variance. If you have any questions, please call me at your convenience.

Respectfully,

James M. Schissler, P.E.

James M. Scheider

Land Development Department Manager

Cc: Nash Gonzalez

JMS/dlm

J:\Projects\A287 Lonworth-Daigle\001\Documents\COA Lotter 042607.doc



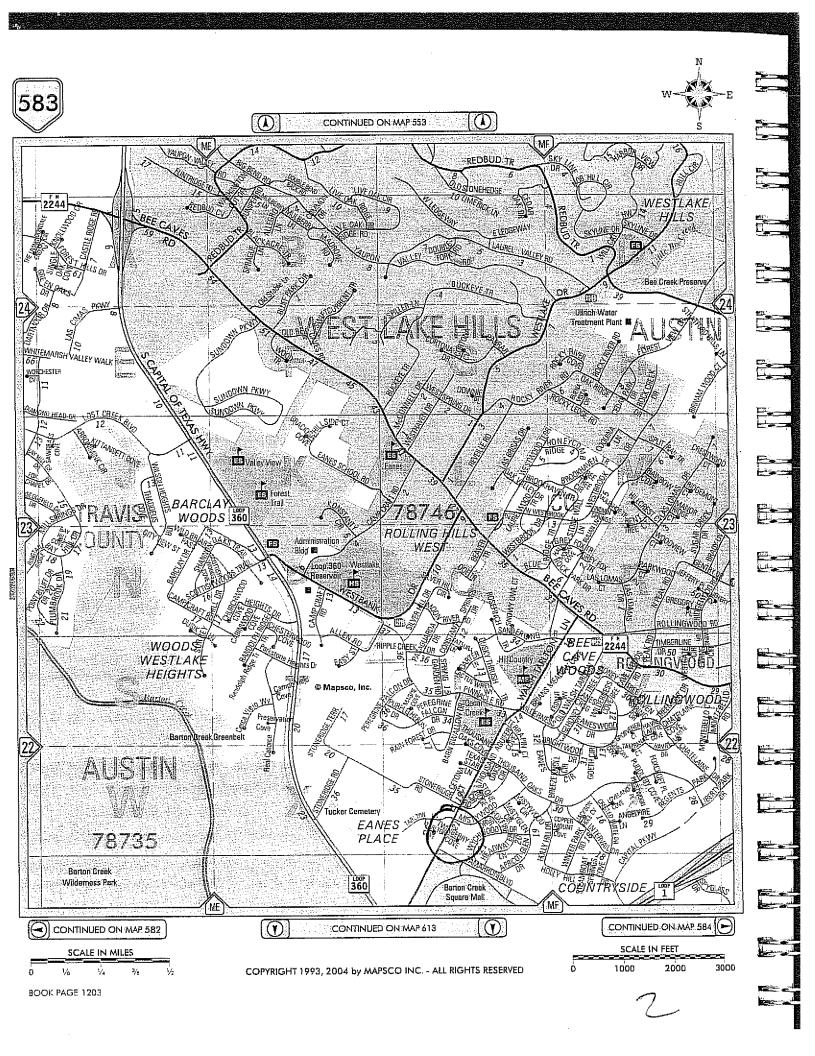
DIRECTIONS TO BEECAVE WOODS, SECTION III – A

C8-06-0203.0A

At Beecaves Road and Loop 360, travel south on Loop 360 to Walsh Tarlton Lane.

Turn left (east) onto Walsh Tarlton Lane.

Drive a short distance and see Twinberry Cove on the right and turn in there.







ENVIRONMENTAL BOARD MOTION 080107-B4

Date:

August 1, 2007

Subject:

Bee Caves Woods (C14-06-0202)

Motioned By: Rodney Ahart

Seconded by: John Dupnik

Recommendation

The Environmental Board recommends approval with conditions of a variance request to Land Development Code 25-8-424 (B) (1) – To exceed maximum allowable impervious cover.

Staff Conditions

None.

Board Conditions

Add Plat note to limit future development to existing impervious cover limit.

Rationale

None

Vote

5-1-0-2

For:

Against:

Anderson, Maxwell, Neely, Ahart and Dupnik

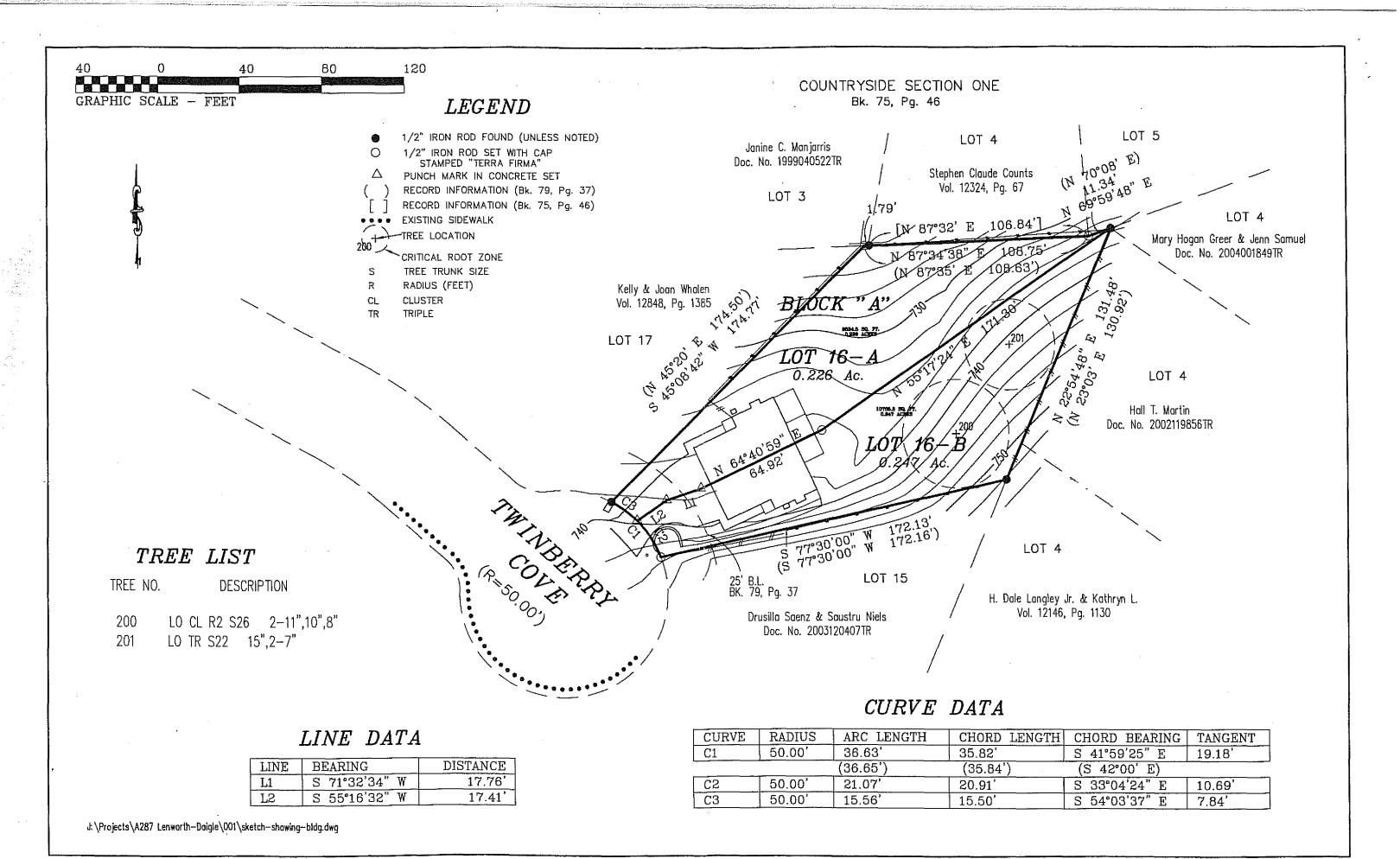
Abstain:

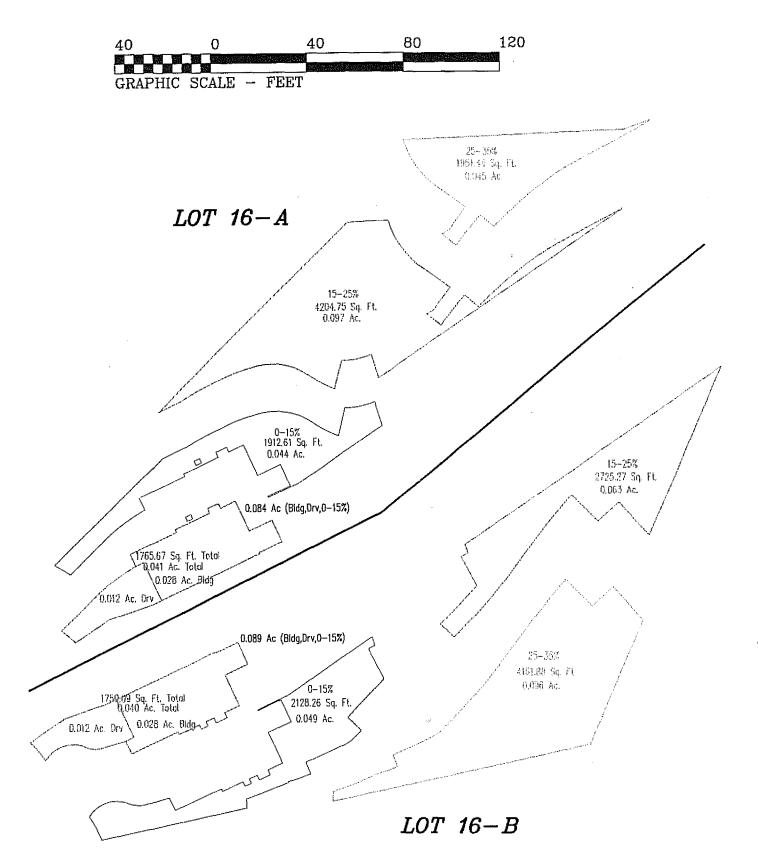
Beall

Absent:

Moncada and Curra

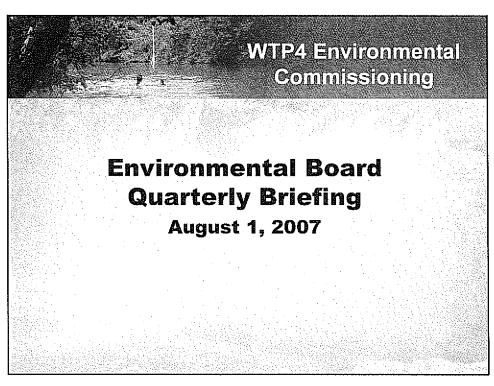
Environmental Board Chair

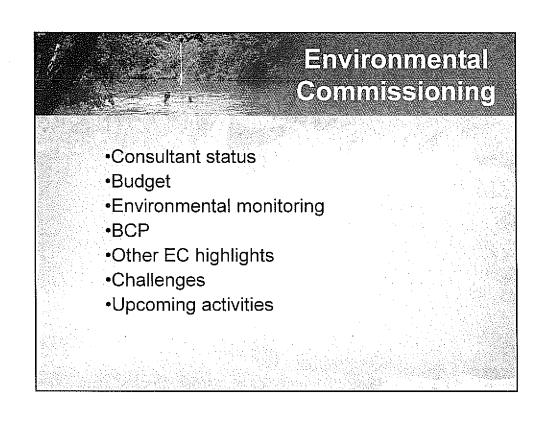


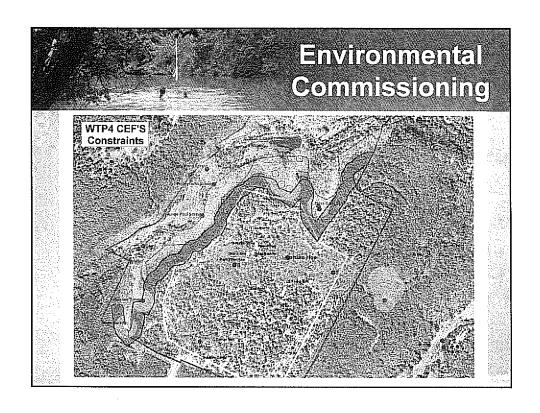


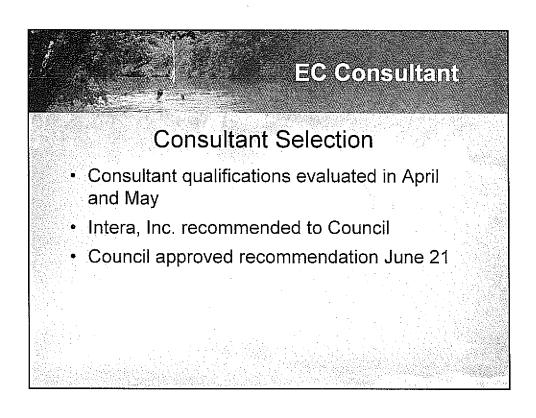
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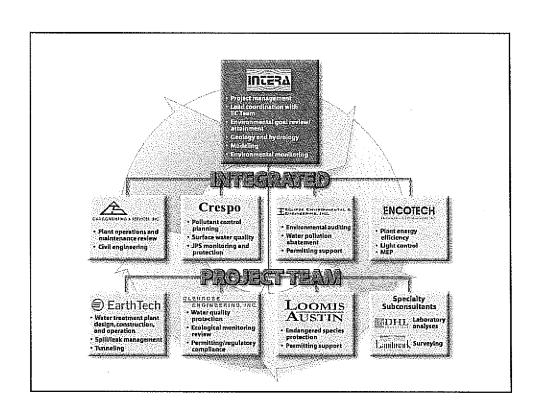
Environment Boad Howard











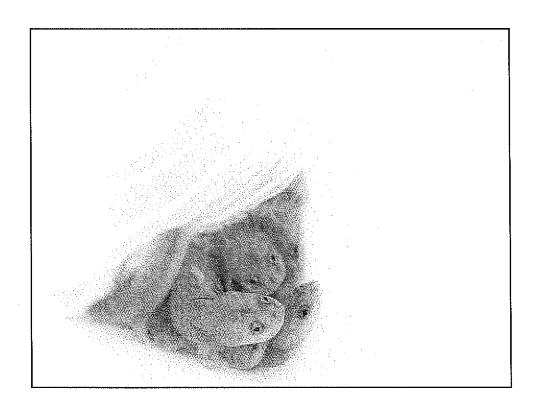
	EC Budget	
Latest Cost Estir	mates (6/07) – Unbudget Resolution/Mitigation	cost (millions)
Surface Water Impact	Move staging to Riverplace Blvd.	\$0.10
	Stormwater controls to SOS non- degradation standard	\$2,50
GW Impacts & Salamander Protection	Limit excavation depth to 10'	\$7.00
	French drain system	\$1.00
	Rainwater collection & injection	\$1.00
	Pump station relocation	\$0.00
	Excavation cleanup (vac/sweep)	\$0.30
	Deep shaft mitigation	\$0.50
	Leak prevention and containment	\$1.75
Unidentified plant impacts	Unidentified future mitigation	\$5.00
	Total Non-budgeted	\$19.15

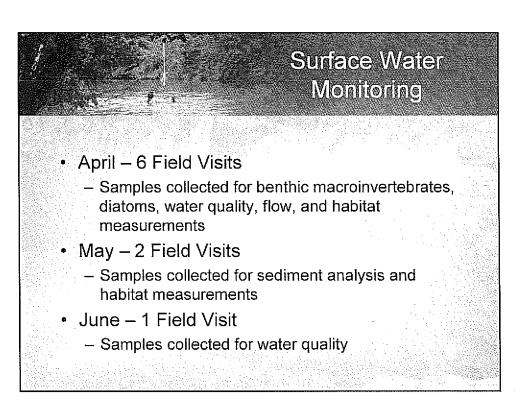
	EC Budget	
est Cost Estimates Costs included in earlier	6 (6/07) - Previously B	suageted & Total
estimates.	EC Project Mgmt.	\$0.80
	Environmental inspector	\$0.51
	Bull Ck. BMP study	\$0.35
	Water quality monitoring	\$0.86
	Groundwater monitoring	\$0.35
	Salamander monitoring	\$0.93
	AWU Preserve staff	\$0.19
	Total Budgeted	\$7.39
11	Total Non-Budgeted	\$19.15

	Projec	di Budgei
Latest \	VTP4 Cost Estimates	(6/07)
June 2006 Estimat	e (NPV)	\$314.00
Changes thru June	· '07	
	Env. Comm.	\$7.40
	Env. Mitigation	\$19.15
	On-site Chlorine	\$4.00
	2nd Elect. Substation	\$10.00
June	2007 Estimate (NPV)	\$354.55

•April No significant runoff events •May 3 runoff events - 64 samples collected •June - 3 runoff events - 54 samples collected

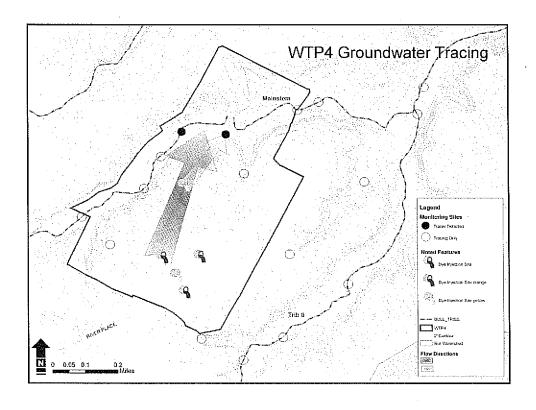
Salamander Monitoring Mark and recapture and surface counts ongoing Surface counts and mark/recapture 2 weeks per month Nothing significant to report to date

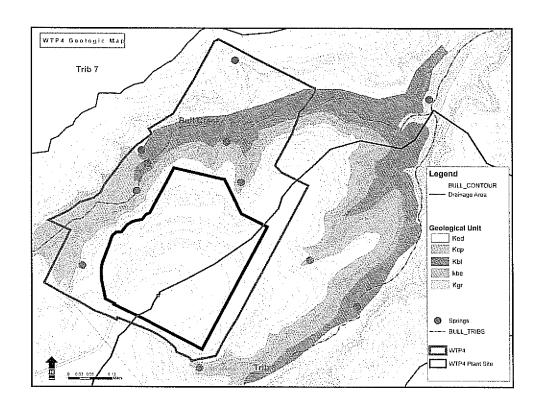


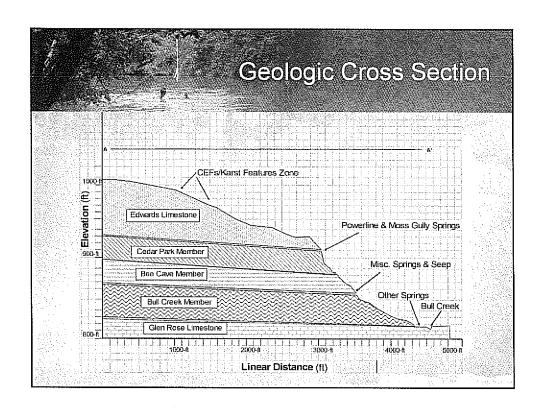


Groundwater Monitoring

- First dye tracing completed with very limited success
- Second round of dye injections completed in May
 - More detections, data still coming in
 - -Some flow mapped
 - Considering additional tracing
- Site geology mapped







Balcones Canyonlands Preserve

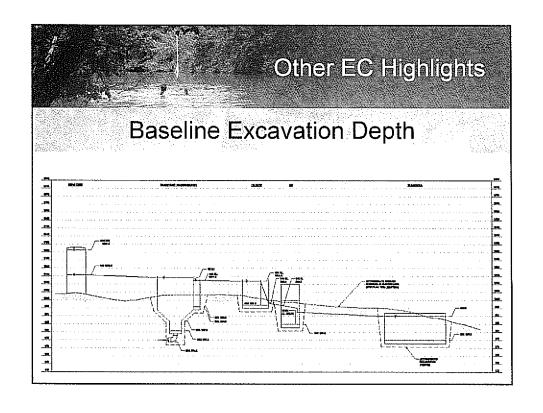
2007 Bird Survey

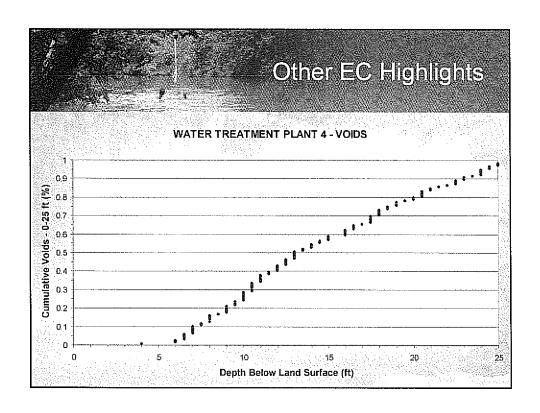
- Survey recently completed on BCP and included WTP4 site
- •1 GCW territory identified in plant area
- 1 BCV individual found on plant site, but not defending a territory
- Data to be included in annual report later this year

Other EC Highlights

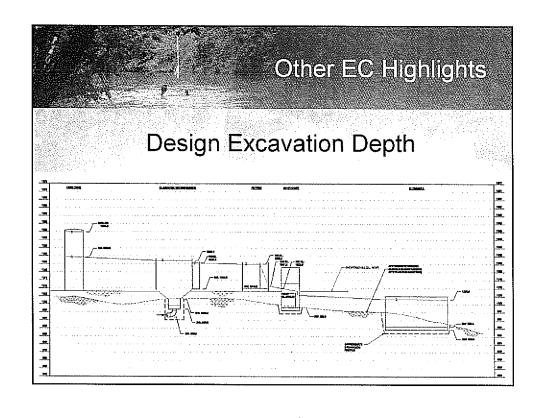
Excavation Depth

- Typical plant facilities would be 23'+ below grade
- Clearwells and upflow clarifiers are deepest structures and cover large area other than tunnel shafts
- Concern about interrupting groundwater flow paths in karst and impacts to area springs





Other EC Highlights Excavation Depth • Analysis indicates: - 70-75% of voids occur below 10' bgs - No horizon of higher void density found - 0-4' bgs generally soil and weathered limestone - Need to balance reduction in cut with increase in fill • Design modified to limit structure depth to </= 10' total depth (not including UFC pipe) - Overall excavation in karst approx. 6' max.



Other EC Highlights

Phase 1 Facility Size & Layout

- Project scope reduced to focus on 50 MGD
 - Very few above grade structures for later phases
- Layout being revised to concentrate structures closer to plant entrance
- Size and layout changes reduce disturbed area and cost for Phase 1

Upcoming EC Activities & Challenges

- Integrate Intera team into ongoing EC activities
- Maintaining/enhancing groundwater recharge
 - -Evaluate rainwater harvesting
- · Clearwell sizing
- · Finish evaluation of ammonia options
- Finish optimizing facility layout

WTP4 Project Highlights

- All geotech drillings completed for the raw water route and on WTP 4 Site
- Site Development Permit submitted for permanent stormwater controls
 - -ZAP approved Conditional Use Permit on July 17th
- Ongoing meetings with USF&W on endangered species issues

WTP4 Project Communications

- Presentation made to the Hilltop Home
 Owners Association
- Presentation made to Lakeway Men's
 Breakfast Club
- Presentation made to the American Society of Civil Engineers
- Several W&WW Commissioners toured the Bull Creek Site

WTP4 Raw Water System Highlights

- Lighthouse type intake structure has been eliminated due to high cost
- Intake system will now be located totally beneath water surface
- Location for off-site raw water pump station being explored

WTP4 Upcoming Activities

- Begin advertisement for construction of permanent stormwater facilities in August
 - Council award in September
 - Construction to begin in early October
 - -Construction to be completed by March 1, 2008
- Preliminary engineering to be complete in early 2008
- Council authorization in December to begin final design



Water Treatment Plant 4



WATER TREATMENT PLANT 4 PROJECT

Status Report

January 2007

This report summarizes key issues activities recently completed for the Water Treatment Plant 4 (WTP 4) Project and presents upcoming tasks to be completed.

Issue Resolution

The following list highlights key issues addressed through the Environmental Commissioning (EG) process for the WTP 4 Project.

issue	Resolution
EC Consultant Qualifications, Role, Responsibilities, Reporting	Conducted workshop to develop scope and draft a Request for Qualifications (REQ)
Environmental monitoring (baseline and impact)	Finalized scope, schedules, and staffing needs
Funding of EC activities and definition of relationship between WPDRD and AWU	Prepared a Memorandum of Understanding to guide funding & relationship of WPDRD and AWU through the project
WPDRD staffing for EC efforts	Hiring process initiated. First new staff begins work January '07
Size of buffers around Critical Environmental Features on Upper Cortaña Site	Consultants and WPDRD developed buffer areas based on results of field survey work
Development of Best Management Practices to be followed during geotechnical drilling to protect sensitive environment	Meeting conducted with EC Team (WPDRD, AWU, PW, Consultants). Proposed BMP's were reviewed and commented on by WPDRD staff.

Schedule

Preliminary design has begun, and detailed design is scheduled to begin in the second half of 2007. The project is currently on schedule to meet the startup deadline of Summer 2013.

Environmental Commissioning

Recent Activities

- The Mitigation Working Group, comprised of representatives from Austin Water Utility (AWU), Watershed Protection and Development Review (WPDRD), Public Works (PU), and others has been meeting regularly since July 2006 to implement the Environmental Commissioning process for WTP 4.
- Chuck Lesniak, WPDRD, was designated the interim EC agent and is now functioning in that role.
 Once the EC consultant is hired, Chuck will continue as the City's EC Lead and manage the EC consultant's work effort.
- General guidelines for the EC process have been developed.
- A Request for Qualifications (RFQ) was prepared for hiring an independent, outside consultant to monitor and oversee the EC process. The RFQ was issued December 18, 2006.
- A Memorandum of Understanding (MOU) between AWU and WPDRD was developed and signed.
 The MOU will guide the implementation of the EC process and establishes funding commitments for the EC activities. Signatories are AWU and WPDRD.
- Plans and staffing for monitoring water flow, stormwater, water quality, and species in Bull Creek were developed and budgets prepared.
- Efforts are underway to hire additional WPDRD staff to assist with monitoring and managing the EC process. The first staff begins work in January 2007.
- Surface water and salamander monitoring began in December 2006 as part of the effort to define baseline environmental conditions.
- EC training and education was conducted for the design team on December 13, 2006.

Upcoming Activities

- The RFQ process will be used to select a consultant to serve as the EC agent. Submittals are due
 January 23, 2007 and we anticipate the EC consultant being under contract by late March or early
 April.
- EC checklists and other documentation will be finalized to guide the design team and EC team through the project..
- Surface water and salamander baseline monitoring will continue in the Bull Creek watershed.
- Groundwater dye tracing will begin in late January 2007.

- Installation of stormwater monitoring equipment will occur.
- Additional EC training and education will be implemented as additional staff, consultants, and contractors become engaged in the project.

Engineering

Recent Activities

- Surveys for karsts, Critical Environmental Features, and vegetation were completed and reports prepared for the Upper Cortaña site.
- Conceptual WTP 4 layout evaluations were performed for alternate sites.
- Revised WTP layouts were developed for the Upper Cortaña and Bull Creek sites.
- Planning for upcoming geotechnical investigations is ongoing.
- A detailed project schedule and scope was developed.

Upcoming Activities

- Geotechnical drilling will be performed in Lake Travis, along the raw water tunnel route, and on the WTP site.
- Preliminary engineering will be performed.
- Evaluations of chlorine storage and feed options will occur.
- Planning for the construction of storm water ponds will occur.
- CEF feature locations will be surveyed and tied to the WTP 4 site coordinate system.
- Preliminary concepts will be developed for the administration building, and potential LEED credits will be identified.

Communications

Recent Activities

- A presentation was made to the Environmental Board on November 1, 2006.
- A newsletter on the WTP 4 Project was issued mid-December.
- New information was posted to the WTP 4 website at http://www.ci.austin.tx.us/water/wtpfour.htm.
- A site tour was conducted of the Upper Cortaña and Bull Creek sites with members of the Environmental Board and others.

- Postcards were mailed to businesses and homeowners in the vicinity of Lake Travis to describe upcoming geotechnical work that will be performed in the lake.
- A presentation was made to the Water and Wastewater Commission on December 20, 2006.
- A meeting was held with 2222 CONA to discuss the status of the project.

Upcoming Activities

- Information meetings will be conducted with neighborhoods and other project stakeholders.
- Monthly status reports will be prepared and distributed to the Environmental Board and others.
- · A second newsletter will be issued in January.
- Quarterly presentations will be given to the Environmental Board. The next presentation is scheduled for January 17, 2007.



ENVIRONMENTAL BOARD MOTION 080107-001

Date:

August 1, 2007

Subject:

Water Treatment Plant #4 Bright Line Resolution

Motioned By:

Dave Anderson, PE, CFM

Seconded By:

Rodney Ahart

Recommendation

The Environmental Board offers the attached resolution in response to recent activities on the Water Treatment Plant #4 site regarding the completion of a Cumulative Effects Assessment and the development of maximum threshold values for pollutant and other appropriate environmental constituents impacting select species, water quality, and general environment of the Bull Creek Watershed beyond which the City can no longer in good faith undertake the design, construction, or operation of Water Treatment Plant #4. This assessment should be completed prior to the construction of any facilities on the proposed Water Treatment Plant #4 site.

Staff Conditions

Not Applicable.

Rationale

Not Applicable.

Vote

5-0-0-2

For:

Dupnik, Ahart, Maxwell, Anderson, Neely, Beall

Against:

None

Abstain:

None

Absent:

Curra, Moncada

ukbian a

Dave Anderson P.E., CFM, Chair

RESOLUTION NO. EB 080107-001

WHEREAS the Austin Water Utility has been charged with constructing a water treatment plant (Water Treatment Plant #4) in northwest Austin to meet future water demands in that area of the City; and

WHEREAS Water Treatment Plant #4 has been sited in the Bull Creek Macrosite of the Golden Cheeked Warbler in the Balcones Canyonlands Preserve and in the headwaters of the environmentally sensitive Bull Creek Watershed; and

WHEREAS this site, although "mitigated" under the existing federal United States Fish and Wildlife Service (USFWS) Section 10a Permit for Endangered Species, lies in the habitat of the Federally Endangered Golden-Cheeked Warbler, and design, construction, and operation activities associated with the proposed plant and site have the potential to negatively impact those species of birds regulated under said permit; and

WHEREAS this site lies upstream of known habitat of the Jollyville Salamander, currently being studied by the USFWS for listing under the Endangered Species Act, and design, construction, and operation activities associated with the proposed plant and site have the potential for negative environmental impacts to this species; and

WHEREAS recent investigation and baiting activities on the plant site documented the presence of a karst invertebrate species currently listed under the Endangered Species Act called the Tooth Cave Ground Beetle, and design, construction, and operation activities associated with the proposed plant and site have the potential for negative environmental impacts to this species; and

WHEREAS the Bull Creek Watershed is a semi-pristine environment with a water chemistry, riparian environment, and ecological habitat that could be negatively impacted by the design, construction, and operation activities associated with this proposed plant and site; and

WHEREAS the potential negative environmental impacts of the design, construction, and operation of the proposed plant and site to the above-referenced species, water quality, and general environmental condition of the watershed encompassing and downstream of the plant have not been characterized or quantified to date; and

WHEREAS the environmental controls that the City is putting in place currently to attempt to mitigate these negative environmental impacts total \$26 million to date, which is a significant public expense that might have been better spent on acquisition of less-sensitive land for the proposed plant; and

WHEREAS the City has a responsibility to develop a policy for how much negative environmental impact is acceptable as it relates to the design, construction, and operation activities associated with this proposed plant and site; NOW THEREFORE

BE IT RESOLVED BY THE CITY OF AUSTIN ENVIRONMENT BOARD that the Environmental Board recommends that City Council direct Watershed Protection and Development Review Staff to perform a Cumulative Effects Assessment and develop maximum threshold values for pollutant and other appropriate environmental constituents impacting the above-referenced species, water quality, and general environment of the Bull Creek Watershed beyond which the City can no longer in good faith undertake the design, construction, or operation of Water Treatment Plant #4. This assessment should be completed prior to the construction of any facilities on the proposed Water Treatment Plant #4 site.

ADOPTED: August, 1, 2007

ATTEST:

David J. Anderson, PE, CFM

PE.

Environmental Board Chair